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ESSAYS.

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ESSAYS

ON

HISTORICAL TRUTH.

BY ANDREW BISSET.

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ESSAYS
ON
HISTORICAL TRUTH.

ESSAY I.

IS THERE A SCIENCE OF GOVERNMENT?[1]

WHEN it is considered how much of what is put forth as history is only falsehood under the name of history, the opinions of those who have pronounced history useless and mischievous may be found to have a portion of truth in them. But history and historical truth are two very different things. Whatever difference of opinion may exist respecting the value of history, there can be no difference of opinion about the value of historical truth. For historical truth will be found to be nearly allied to philosophical truth, and we shall have no political philosophy of any value till those who study the subject are as careful to obtain accurate materials—

[1] The word government is used in two senses. In one of these it signifies the disposition or distribution of the sovereign power in a political society; in the other, the administration of public affairs. In the former only can the expression *science of government* be used. In this sense, of course, the word government is used in this essay. In a subsequent essay—The Government of the Commonwealth and the Government of Cromwell—the word is used in the other sense, namely, the administration of public affairs, or the act of governing. The two senses of the word may also be distinguished by calling the first the *science*, the second the *art* of government.

that is, accurately-observed facts, or, in other words, facts instead of fictions under the name of facts—as Newton was to obtain an at least approximately accurate measure of the earth's radius for the verification of his hypothesis respecting the law of gravitation.

In reference to the remark of David Hume, that the world is yet too young to have a political philosophy, or, to quote his words, 'is still too young to fix many general truths in politics which will remain true to the latest posterity,'[1] it has been said that if history is to be the basis of it, after ten thousand years the world will still be too young. Hume's words 'truths in politics' show that he meant that there were too few historical truths, and contemplated historical truths rather than the laws of human nature as the basis of political philosophy. On the other hand, thinkers of at least as great name as Hume have sought to found a political philosophy on the laws of human nature. But here we are met with a difficulty as great as the difficulty of discovering historical truth. For not only have two celebrated writers on government, Hobbes and James Mill starting from the same theory of the laws of human nature—what has been termed the selfish, in contradistinction to the sentimental theory of morals—come to opposite conclusions respecting the best form of government, but many persons have altogether objected to their treatment of the subject. Other writers, again, have adopted another method of philosophising on this subject, and have sought to evolve a social and political philosophy out of historical facts, or at least of what they assume as historical facts, by a process similar to that employed by

[1] Essay, Of Civil Liberty.—Hume's Essays, vol. i. p. 81, Edinburgh, 1825.

astronomers with respect to physical facts. The result, however, has certainly not as yet been to produce a science of government, or of political society bearing any resemblance to the science of astronomy.

In regard to the difficulties attending the pursuit of historical truth, there are some facts in connection with English history which place the matter in a strong light. And as we can hardly be supposed to possess equal facilities for research into the archives of foreign nations, the difficulties encountered with respect to English history may be assumed to increase rather than to diminish when we turn our researches to the history of other countries. As regards the works styled 'Histories,' Bacon's 'History of King Henry VII.' contains but this one reference in these words: 'The original of this proclamation remaineth with Sir Robert Cotton, from whose manuscripts I have had much light for the furnishing of this work.'[1] Consequently, the facts set forth in that history must rest upon Bacon's character for veracity, which hardly stands so high as his character for 'command over facts;' in other words, for the power of moulding facts to suit his purpose as an advocate.

With regard to the manuscript materials in the public archives, while it is true that of late years the public authorities have afforded facilities for the use of those materials by persons engaged in historical inquiries, and also that there has been a considerable degree of activity in the publication of Calendars of the papers in the State Paper Office, it appears to be forgotten that, in almost all the darkest questions, 'precisely those papers which constitute

[1] Montagu's edition of Bacon's Works, vol. iii. p. 318, note.

the most important evidence are missing,'[1] and that many of those which are not missing are of no value whatever, and others are of less than no value from being intended not to reveal but to conceal the truth. In all State trials down to the time of the Commonwealth examinations were taken in secret, and often wrung from the prisoner by torture. Such parts of these examinations as suited the purpose in view were read before a judge removable at the will of the Crown, and a jury packed for the occasion, who gave their verdict under the terror of fine and imprisonment.[2] The Government then published such accounts of the trials as suited their purposes. In those accounts truth and falsehood are mixed up together with such apparent simplicity, the fidelity of the story is vouched by the introduction of depositions and documents,[3] which might be garbled at the discretion of the writer without fear of detection, as the originals were in his power and were often destroyed after having served his purpose, but which give

[1] Jardine's Criminal Trials, vol. ii. preface, p. x.

[2] In the case of Sir Nicholas Throckmorton, the jury, having, in accordance with the evidence, but in opposition to the will of the Court, brought in a verdict of not guilty, were committed to prison. Four of them afterwards made their submission, and were discharged. Of the other eight, five were discharged after having lain in prison from the 17th of April till the 12th of December, on the payment of fines of 220*l.* apiece, and the remaining three, having set forth in a petition that their estates did not amount to the sum they were required to pay, were discharged December 21st on the payment of three score pounds apiece. Of the abject condition of the people at that time in England the words of the foreman of this jury present a striking picture. '*Foreman*: I pray you, my lords, be good unto us, and let us not be molested for the faithful discharge of our consciences. We are poor merchant-men, and have great charge on our hands, and our livelihood depends upon our travails. We beseech the Court to appoint a certain day for our appearance, because perhaps else some of us may be in foreign parts, about our business.'—*Jardine's Criminal Trials*, vol. i. p. 109.

[3] Jardine's Criminal Trials, vol. ii. pp. 4, 5.

an air of candour and authenticity; and all this is performed with so much art, when the writer is a man of consummate ability like Francis Bacon, that the reader is beguiled into an unsuspecting belief of the whole narration.

While the State Papers that were intended to be made public were thus carefully prepared not to reveal but to conceal the truth, it is evident that no papers will be found, unless such as may have been preserved by some accident whereby the intention of their destruction was defeated, which will throw any light on the *true* character of the persons who occupied the throne, and who, being placed in a position where they were subjected to no check either of law or of public opinion, pursued the course which human beings so placed—whether called kings or queens, or emperors or dictators or protectors—might be expected to pursue. For instance, we are indebted to some accidental oversight in the destruction of all papers containing even the smallest glimpse of the truth respecting the death of Prince Henry and the murder of Sir Thomas Overbury, for those papers and fragments of papers which will be examined in the two last essays in this volume, and which throw such extraordinary light upon the inner life of the court of James I. If Leicester had been brought to a public trial, as in a free country he would have been, for the murder of his first wife, Amy Robsart, some light might have been thrown upon the interior of the court of Queen Elizabeth—a light which would have shown a startling contrast between the repulsive reality and the rose-coloured phantom of romance under the name of history. The trial of Somerset would not have taken place if the

favour of King James had not been transferred from Somerset to Buckingham. If Elizabeth had for similar reasons wished to get rid of Leicester, and had brought him to trial on the charge of murdering his wife, some light might have been thrown on Elizabeth's court. But Leicester continued in favour to the end of his life, and died without being brought to account in this world for his crimes, a part of the guilt of which must consequently devolve on the queen who protected him from the punishment due to them. Elizabeth also knew the true character of the king (James) whom she named as ~~as~~ her successor. She also received most graciously as a suitor one of the infamous sons of Catharine de' Medici —a person respecting whom Don John of Austria, Governor of the Netherlands for Philip II., assigned as his reason for advising Philip to give him hopes of epousing the Infanta, but by no means ever to go farther, that 'he was unscrupulously addicted to infamous vices.'[1]

Whatever may have been the case under the Plantagenets, it is beyond a doubt that under the Tudors and Stuarts no subject could breath a whisper respecting the vices and crimes of the reigning dynasty without the peril of a death of torture and ignominy. It would of course be idle to expect to find in the public archives of England any evidence of a direct or conclusive nature respecting such crimes. Some evidence, however, exists in the French archives, and has been published by Von Raumer, and that some evidence also exists in the Spanish archives appears from the extraordinary letter of De Quadra, published by Mr. Froude, in which the Spaniard

[1] 'Se tiene entendido que ne hace scrupulo del pecado nefando.' MS. cited by Mr. Motley.—*Rise of the Dutch Republic*, vol. iii. p. 114, note, London, 1861.

represents Cecil as saying to him in a familiar conversation, among other startling remarks on the intimacy between Queen Elizabeth and Lord Robert Dudley, 'that they were thinking of destroying Lord Robert's wife.' And before the letter relating this conversation was despatched, news had arrived of the death of Amy Robsart. The word 'they' of course means Elizabeth and Dudley. Till within the last half century, before the publications of Lord Hailes and Von Raumer, about as much was known of King James I. as of King Nimrod; and about as much was known of Queen Elizabeth as of Queen Semiramis till the publication of the history of Mr. Froude, who has the great merit of having unearthed that extraordinary letter of the Spanish ambassador De Quadra. If as much of the evidence respecting Elizabeth as respecting James had escaped destruction, she would probably be found to have been much such a woman as he was a man. Some evidence also exists in Britain, not in the repositories of the State, but in such repositories as the Advocates' Library in Edinburgh, from the collection of MSS. in which Lord Hailes published those strange letters relating to the court of James I. And these would seem to have been preserved only by some accident, for some of them conclude with these words: 'I pray you burn this letter.'[1]

It is strange that men of such powerful minds as Hobbes and Hume should have entertained such loose

[1] These are the concluding words of a letter from the Duke of Buckingham to King James I., published by Sir David Dalrymple (Lord Hailes), p. 127 of a small volume entitled 'Memorials and Letters relating to the History of Britain in the Reign of James the First, from the originals, Glasgow, 1762.' There are also some letters of a similar kind among the Harleian MSS. in the British Museum; and a curious Italian MS. letter, to which I shall refer in a subsequent essay, among the additional MSS. in the British Museum.

notions as they appear to have done on the subject of evidence. Hobbes appears to have missed the matter most signally when he objects, in his preface to his translation of Homer, to the judgment of Tacitus on the emperors of Rome. Had the government established at Rome after the battle of Pharsalia been a despotism secured to *one* family for a long series of years, as that of the Tudors and Stuarts was, Tacitus and other writers could never have told so much as they have done respecting the vices and crimes of the emperors of Rome between the death of Augustus and the accession of Nerva. It is true we do not possess the records necessary to verify the statements of Tacitus and Suetonius. But the circumstances above indicated of a writer like Tacitus having more freedom to speak what he believed to be true than a writer under a monarchy like the English, which remained for so many generations in the same family, or in that family's heirs or representatives, seems to have been overlooked by Hobbes, in his expression of doubt as to the justness of the judgment passed by Tacitus on the Roman emperors.

When we consider that under a government such as that of England was down to the time of the Commonwealth, all the ability of such statesmen and lawyers as Cecil and Bacon was employed to keep from the knowledge of the governed every particle of truth that might tend in the smallest degree to tell against the Government, we may admit to the fullest extent the force of a remark made by Mr. Amos with reference to ancient State trials, and even extend its application beyond State trials. The observation referred to is 'that a reader of ancient State trials is in the condition of Bishop's Berkeley's idealist,

in regard to having no security that anything he reads had ever a real existence;' and that 'he may be certain that much he reads is misrepresentation or pure fiction.'[1] These considerations place in a strong light the difficulties to be encountered by the searcher after historical truth—difficulties so great as to form an argument of some weight in favour of those who have sought to found their systems of political philosophy on the laws of human nature, rather than on historical facts.

Against the opinion of Lord Macaulay[2] and others, that politics is an experimental science, Mr. J. S. Mill, in the chapter of his Logic headed, 'Of the Chemical, or Experimental, Method in the Social Science,' has adduced arguments which it would not be easy to overthrow; and towards the close of his chapter on this subject remarks that 'the generality of those who reason on political subjects satisfactorily to themselves and to a more or less numerous body of admirers, know nothing whatever of the methods of physical investigation beyond a few precepts which they continue to parrot after Bacon, being entirely unaware that Bacon's conception of scientific inquiry has done its work, and that science has now advanced into a higher stage.'[3]

The great difficulty, amounting to impossibility, 'which meets us,' says Mr. Mill, 'in the attempt to apply experimental methods for ascertaining the laws of social phenomena, is that we are without the means of making artificial experiments.'[4]

[1] Amos, The Great Oyer of Poisoning, p. 492.

[2] See his essay on Sir James Mackintosh's History of the Revolution, and his essay on James Mill's Essay on Government.

[3] Mill's Logic, vol. ii. pp. 474, 475, 7th edition, London, 1868.

[4] Mill's Logic, vol. ii. p. 468, 7th edition.

The difficulties, arising from plurality of causes and intermixture of effects, with which the study of the phenomena of politics and history is beset, are so great that it would be no discredit to anyone to have failed in an attempt to overcome them. Of these difficulties Mr. J. S. Mill, in his chapter 'Of Plurality of Causes, and of the Intermixture of Effects,' gives a description which might almost seem to place the solution of them beyond the reach of the human capacity. 'If so little can be done,' he says, 'by the experimental method to determine the conditions of an effect of many combined causes, in the case of medical science, still less is this method applicable to a class of phenomena more complicated than even those of physiology—the phenomena of politics and history. There, plurality of causes exists in almost boundless excess, and effects are, for the most part, inextricably interwoven with one another. To add to the embarrassment, most of the inquiries in political science relate to the production of effects of a most comprehensive description, such as the public wealth, public security, public morality, and the like: results liable to be affected directly or indirectly either in *plus* or in *minus* by nearly every fact which exists, or event which occurs, in human society. The vulgar notion, that the safe methods on political subjects are those of Baconian induction, that the true guide is not general reasoning but specific experience, will one day be quoted as among the most unequivocal marks of a low state of the speculative faculties in any age in which it is accredited.'[1]

The difficulties with which the study of the phenomena of politics and history is beset being so great, let us now

[1] Mill's Logic, vol. i. p. 504, 7th edition.

look at some of the attempts made to overcome them. The most ambitious attempts that have been made in this branch of study are those of certain French writers. The great snare of such writers is the ambition of generalisation, accompanied by an astonishing indifference to accuracy of facts. Mr. John Stuart Mill has given the following explanation of this phenomenon :—

'Descartes is the completest type which history presents of the purely mathematical type of mind—that in which the tendencies produced by mathematical cultivation reign unbalanced and supreme. This is visible not only in the abuse of deduction, which he carried to a greater length than any distinguished thinker known to us, not excepting the schoolmen; but even more so in the character of the premises from which his deductions set out. And here we come upon the one really grave charge which rests on the mathematical spirit, in respect of the influence it exercises on pursuits other than mathematical. It leads men to place their ideal of Science in deriving all knowledge from a small number of axiomatic premises, accepted as self-evident, and taken for immediate intuitions of reason. This is what Descartes attempted to do, and inculcated as the thing to be done; and as he shares with only one other name the honour of having given his impress to the whole character of the modern speculative movement, the consequences of his error have been most calamitous. . . . All reflecting persons in England, and many in France, perceive that the chief infirmities of French thinking arise from its geometrical spirit; its determination to evolve its conclusions, even on the most practical subjects, by mere deduction from some single accepted generalisation.' Mr. Mill adds, 'If this

be the case in France, it is still worse in Germany, the whole of whose speculative philosophy is an emanation from Descartes, and to most of whose thinkers the Baconian point of view is still below the horizon.'[1]

If accurate generalisation be, as has been said, the sum of all philosophy, the man who possesses the power of accurate generalisation is justly entitled to be styled a philosopher. The same intellectual and moral qualities that render a man scrupulously careful about the accuracy of the facts he makes use of, will furnish at least some security for the conclusions he grounds upon them; in other words, for the soundness of his philosophy, whether that philosophy be physical, or political, or social. To generalise accurately requires labour in observing and collecting facts, penetration and sagacity in analysing or taking them to pieces and separating from them what is extrinsic, and ratiocination in dealing with the results of the analysis. 'He who can do this will generalise accurately. But to do this is given to few, while to generalise inaccurately requires neither labour in collecting facts, nor penetration in analysing them, nor logic in treating the results of the analysis, and is unfortunately one of the commonest of the qualities that belong to men.'[2]

I have said in another of these essays that I am

[1] Mill's Examination of Sir William Hamilton's Philosophy, pp. 610–612, 3rd edition, London, 1867.

[2] The quotation in this paragraph is from a paragraph written by me in the article 'James Mill' in the Encyclopædia Britannica. I say 'paragraph,' for, although Mr. John Stuart Mill did me the great honour to ask me to write the paper on his father which Mr. Macvey Napier applied to him to write, there are several sentences in the article which could only have been written by Mr. J. S. Mill; and there are also some which could only have been written by the editor.

inclined to think that there are few modern works of any pretensions that contain more examples of false generalisation than Hume's, though Hume was a man of great philosophical genius. There is, however, a modern French writer of vast pretensions to great philosophical genius, whose writings appear to me to furnish far more numerous examples of false generalisation than Hume's. Indeed Hume's knowledge of history, if not very exact, is accuracy itself compared to that of the writer referred to, M. Comte. And in proportion to the vast pretensions of that writer, the examples of false generalisation with which his writings are filled, are instructive as throwing light upon the dangerous consequences of unscrupulous carelessness about the accuracy of historical facts. Indeed the perusal of such writings may very naturally lead a reflecting reader to doubt whether there is any such thing as historical truth.

In regard to the question whether the main agent in the progress of mankind is their intellectual or their moral development, M. Comte regarded the intellectual as the main element, and Mr. Buckle regarded it as the only progressive element in man; and Mr. John Stuart Mill agrees with M. Comte's opinion, though not with Mr. Buckle's. There are some facts in the history of mankind that may appear rather to lead to the conclusion that the moral is a more powerful agent than the intellectual in the progress (by which I mean improvement) of mankind. Take the Reformation, and the English and French Revolutions. The Reformation was the insurrection of the moral rather than of the intellectual part of man's nature against the vices of the court of Rome. It was not at all the work of the philosophers.

Neither was the great English Rebellion the work of the philosophers. It was the insurrection of the English and Scotch Puritans against the vices of the Stuart kings and their court. The two greatest English philosophers then living, Hobbes and Harvey, were wholly on the side of the Stuarts; and Bacon would have been so too had he been living. The French Revolution was the work of the philosophers, and it was, compared with the English Revolution, a failure; and ended in Cæsarism, that is, in the government of hell upon earth.

Taking individual examples of great intellect, and endeavouring to trace their effect, we find the results vary. Considering how thoroughly bad a man Bacon was personally, and how little his precepts of philosophising were followed, or indeed could be followed, with advantage by those who came soon after him — by Hobbes, by Harvey, by Newton, by Hartley—I do not think he can be considered as having done much in advancing mankind. But Newton undoubtedly did much to advance mankind. And Mr. John Stuart Mill has well answered Lord Macaulay's doctrine that great men are only like the hills that are the first to catch and reflect the light of the sun, by saying that the metaphor would only hold good if truths, like the sun, rose by their own motion, without human effort, but not otherwise. In another of his essays (on Ranke's history of the Popes) Lord Macaulay says: 'Nobody ever heard of a reaction against Taylor's theorem, or of a reaction against Harvey's doctrine of the circulation of the blood.' In regard to Harvey's doctrine there was a strong opposition to it for many years by many of the most eminent physicians of the time; and the history of Taylor's theorem furnishes

some most instructive evidence against both these assertions of Lord Macaulay. Leibnitz, who opposed Newton's theory of gravitation by representing it as subversive of true religion, also opposed Taylor's theorem, and in a letter to John Bernoulli says that the English have not the true method of investigation; and Bernoulli answers in a similar spirit of disparagement of Taylor. In the interval between Taylor's death in 1731 and Lagrange's paper in the Berlin Memoirs for 1772, in which he proposed to make Taylor's theorem the foundation of the differential calculus, the theorem was hardly known, and even when known not known as Taylor's. The writer of the article 'Taylor, Brook; Taylor's theorem,' in the Penny Cyclopædia, whom I believe to have been that eminent mathematician Professor De Morgan, says, in reference to Condorcet's attributing, in the great French Encyclopædia (article 'Series"), the theorem to D'Alembert: 'We have no doubt that D'Alembert was a new discoverer of the theorem, and that Condorcet never saw it except in his writings.' According to Lord Macaulay's metaphor, if Brook Taylor discovered the theorem by being a mountain, the discovery would, as the sun rose higher, become known to persons who were not mountains; whereas it appears that the discovery, having been lost sight of, had to be made again by another great mathematician.

But the discovery of truths is not of itself sufficient to improve the condition of mankind, since truths (besides their exposure to such opposition as that to Taylor's theorem by Leibnitz) can be suppressed by the powerful when they are against their interest, as was shown in the treatment of Galileo by Catholicism. But for the Great

Rebellion in England the truths discovered by Hobbes, by Harvey, and by Newton, would have been powerless to improve the condition of the people; for all of them that seemed in the smallest degree likely to limit the king's power of pillaging and oppressing the people would have been suppressed. Hobbes himself saw this when he said that if it had been contrary to the interest of those that have dominion that the three angles of a triangle should be equal to two right angles, that doctrine would have been, if not disputed, yet suppressed by the burning of all books of geometry. Thus in the controversy between the Realists and the Nominalists, the Romish clergy, at that time very powerful, brought religion into the quarrel and preached up Realism as alone consistent with orthodoxy. The Nominalists were hunted down, and their books suppressed and destroyed. And yet M. Comte, with these and hundreds of similar facts [1] staring him in the face, has said that the aptitude of Catholicism for philosophy is as remarkable as it is ill-appreciated. The constant and unvarying persecution of philosophy by Catholicism is one of the most obvious and incontestable facts in history, and yet M. Comte flatly contradicts it. And in a similar vein is his eulogy of those jugglers and impostors, the Egyptian priests, whom he styles 'the fine theocratic natures of early antiquity.' How any sociological theory can be established on such historical *facts*

[1] 'The human sacrifices of the Carthaginians, Mexicans, and many barbarous nations, scarcely exceed the inquisition and persecutions of Rome and Madrid. In the former case, too, the human victims, being chosen by lot, or by some exterior signs, affects not, to so considerable a degree, the rest of the society. Whereas virtue, knowledge, love of liberty, are the qualities which call down the fatal vengeance of inquisitors, and, when expelled, leave the society in the most shameful ignorance, corruption, and bondage.' —*Hume's Essays*, vol. ii. pp. 421, 422, Edinburgh, 1825.

as these I cannot see. Let us apply M. Comte's method of philosophising, which Mr. J. S. Mill calls the inverse deductive method, to these cases. According to Mr. Mill's statement of the application: 'If a sociological theory, collected from historical evidence, contradicts the established laws of human nature, we may know that history has been misinterpreted, and that the theory is false.'[1] Now this theory of the aptitude for philosophy of the Egyptian and Romish priesthood contradicts the established general laws of human nature, and is therefore false, and history has been misinterpreted.

There could not be a more apt example of M. Comte's misinterpretation of history than his estimate of Catholicism; an estimate in such striking contrast with that of Hobbes, who says: 'If a man consider the original of this great ecclesiastical dominion, he will easily perceive that the Papacy is no other than the ghost of the deceased Roman Empire, sitting crowned upon the grave thereof: for so did the Papacy start upon a sudden out of the ruins of that heathen power.'[2]

Again, M. Comte says that in a biological view all existing political doctrines are radically vicious, because in their irrational estimate of political phenomena they suppose qualities to exist among rulers and the ruled, which are incompatible with positive ideas of human nature, and which would impute 'pathological monstrosity' to whole classes. Were not the Borgias, Philip II. of Spain, Charles IX. and Henry III. of France, James I. and James II. of England, and many more, such as Gilles

[1] Auguste Comte and Positivism, by John Stuart Mill, 2nd edition, London, 1866, p. 85.

[2] Leviathan, Part iv. Of the Kingdom of Darkness, chap. xlvii.

de Retz and others, examples of pathological monstrosity? Consequently here, too, M. Comte's theory is so constructed that we may know it to be false, and history to have been misinterpreted by M. Comte. And why should M. Comte recognise the use and advantage of pathological facts in physiology, and refuse to employ them in what he terms sociology? It will be found, I apprehend, on a close examination, that 'pathological monstrosity' is to be reckoned among the most important of the phenomena of politics and history, and has exercised a very considerable power in the destiny of nations; a power indeed which will, I fear, be found almost universally to have been for evil; unless so far as that evil may serve as a warning to future generations of men to be on their guard against the dangers of 'pathological monstrosity.'

If there be any force in the observation that pathological facts—in common language, diseases—afford in physiology the nearest equivalent to experiment, it may be inferred that pathological facts may throw light on a class of phenomena more complicated even than those of physiology, the phenomena of politics and history. There are few men who are so constituted by nature as not to have some part of the cerebral organism liable to derangement. This derangement may arise sometimes from disappointment and disaster. But it is more frequently produced by great success, which is more trying than its opposite. This is observable in all human occupations, but more particularly in the literary, political, and military. In the literary it can only show itself by words; by words, however, that sometimes can inflict grievous injustice. In the political it may send

men by thousands to a violent and unmerited death, as was done by Robespierre and St. Just. In the military it may murder men, not by thousands but by millions, as was done by Julius Cæsar and Napoleon Bonaparte. It is possible that a man may have some part of his brain in such a state of strength as to defeat all opposed to him in war and in council, and yet have other parts in such a state of weakness as to slaughter more than a million of human beings, for no other object but that his single will may be a law to all mankind; and not only his single will, but that of such striking examples of 'pathological monstrosity' as Tiberius, as Caligula, as Nero, as Domitian, as Heliogabalus. And what condition of human government was this which a modern author of a life of Julius Cæsar attempted to show was the perfection of human government, and which that writer and his family had done what in them lay to inflict on modern Europe? It was a condition such that no dread of what might after befall them would deter men from seeking refuge from it, even in death.

It was the aim of Napoleon Bonaparte, as far as his aim can be discovered (though while he still lived a captive at St. Helena, the question was asked:—

> He aim'd
> At what? Can he avouch, or answer what he claim'd?)

to reduce the modern world to a condition similar to that to which Julius Cæsar reduced the ancient world, and to leave it at his death to his 'dynasty,' as Julius Cæsar left the ancient world to his 'dynasty' that is, to the tender mercies of Tiberius, Caligula, Nero, and Domitian. Fortunately for mankind, the world was not quite so helpless in the nineteenth century as it was in the first

century[1] of the Christian era, and consequently the dynasty of Bonapartism has not lived long enough to produce its natural crop of Caligulas, Neros, and Domitians. Nevertheless, it lived long enough to inflict an enormous amount of evil upon mankind; for it has been truly said that the career of Napoleon Bonaparte must be deemed one of the greatest calamities in modern history. And unfortunately it is a calamity which is made greater by the propensity of mankind to worship great force of character, even though combined with unbounded selfishness, arrogance, meanness, and falsehood.

Even if I admit that the method recommended by M. Comte is the proper mode of constructing a social science, I cannot, notwithstanding my habitual respect for Mr. John Stuart Mill's opinions, admit that M. Comte has, while, as he says himself, *rapidly* amassing his materials, amassed them with even the smallest degree of accuracy. It does not help him to say, as he has said, that in such an inquiry the commonest facts are the most important, meaning by commonest facts the most obvious and most undisputed phenomena. M. Comte shows himself alike ignorant of Egyptian, of Greek, of Roman, and of English history. He may consider that what he states about the Egyptian 'fine theocratic natures of early antiquity,' about Catholicism, and about English Protestanism and the English constitution, are the 'commonest facts' of history; nevertheless, they are not facts at all, but

[1] Under the Roman imperialism of the beginning of the Christian era the condition of the human race appeared to be hopeless. Tacitus, while he describes the crimes and follies of those who held the imperial power, for which the first Cæsar had contended with such ability and courage, seems to have lost all hope that this power could be replaced by any other in the fallen and abject state of the Roman people, sunk in sensuality and corruption, and to have had no consolation but in his own thoughts.

fictions. Mr. Mill admits that M. Comte has made some doubtful statements, but thinks that they do not affect his main conclusions. The more than doubtful statements made by M. Comte have seemed to me so numerous that they have left on my mind an impression of distrust respecting nearly all the conclusions announced by M. Comte. Mr. Mill has truly said: 'M. Comte is very well aware that the method of a science is not the science itself, and that where the difficulty of discovering the right processes has been overcome, there remains a still greater difficulty, that of applying them.'[1] This difficulty M. Comte can hardly be said to have overcome, if he has applied the processes to materials which are not facts at all, but fictions. And indeed this difficulty in the science of history and politics is so great, that we might almost despair of its ever being overcome. Professor Playfair says, at the end of his 'Outlines of Natural Philosophy,' respecting the discovery of some great principle connecting chemical affinity, crystallisation, heat, light, magnetism, electricity, galvanism, with gravitation, 'it were unwise to be sanguine, and unphilosophical to despair;' but in social and political science, though it might be still unphilosophical to despair, the reasons for despair are stronger from the difficuly of obtaining agreement among mankind as to what are facts. This consideration may well force itself on the minds of all who have seen what statements have been put forward to the world as historical facts, not by men of uncultured minds and limited and misty intelligence, but by men of such pretensions to philosophical genius as David Hume and Auguste Comte.

[1] Auguste Comte and Positivism, p. 120.

Neither does it appear to me that the labours of Mr. Buckle have succeeded in proving that the difficulty of obtaining first accurately observed facts, and secondly of obtaining the reception of them by those who seek to found a science of history and politics, is not insuperable. The inherent difficulty of the subject would seem to be rendered hopelessly insuperable by human passions and interests, which sought to obstruct for a time, and did obstruct, the progress of astronomy and geology; but in social science are far more inextricably mixed up, not merely with the conclusions, but with the materials which form the foundation of those conclusions.

One or two examples may serve to throw light on the insuperable difficulty of attaining historical truth. What do we know, for instance, of Carthaginian history generally, or even of the particular history of the career of Hannibal—the greatest soldier of ancient or modern times even by the admission of the Roman historians, his mortal enemies—but from the reports of those mortal enemies of Carthage? We do not even know much more of the campaign of Dunbar, so much nearer our own times, than the campaigns of Hannibal. For we only possess one side of the story in the dispatches of Cromwell, and the letters and narratives of some of his officers. We have no similar dispatches and narratives of David Leslie and his officers. The writers styled historians who have professed to narrate the events of the campaign, from Clarendon to Hume, resemble Livy in falsehood if not in picturesque and amusing narrative; and, between national prejudice on the one hand and religious and political prejudice on the other, the Scottish general and the Presbyterian ministers had as little chance of obtaining

justice at the hands of Walker, Clarendon, Whitelock, Burnet, Carte, and Hume, as the son of Hamilcar had of obtaining it at the hands of the Roman historians. If I should succeed in these essays—even though they should have no other result—in showing the extreme difficulty of arriving at historical truth, and the consequent necessity of receiving with great caution all historical statements respecting matters involving points of a debatable nature, I shall not have laboured altogether in vain. In the essay which is a commentary on Sir Walter Scott's account of the event called the Gowrie Conspiracy, in his History of Scotland, contained in 'Tales of a Grandfather,' I have shown with what a disregard of the rules for weighing and sifting evidence some portions of history have been written. I will here show how a more recent writer than Sir Walter Scott has dealt with the same subject. I do not wish to dispute or detract from the honour due to Mr. Buckle for his laborious collection of the facts of statistics; but the very extent of Mr. Buckle's researches renders it the more necessary to show how much more easy it is to come to a false than to a true conclusion in certain historical questions.

In the essay on Hume I will give some examples of Hume's notions of historical facts. In this essay I will give some further examples of the statements put forward as historical facts by M. Comte and by Mr. Buckle.

M. Comte, after giving a bad character to the 'Philosophers in Physics,' gives a worse to what he denounces under the name of 'Metaphysics;' which object of M. Comte's horror, as will be shown, is only a phantom of the brain of M. Comte. He says:—

'The essential character of metaphysical conceptions is

to attribute to properties an existence separate from the substance which manifests them. What does it matter whether we call these abstractions souls or fluids? The origin is always the same; and it is connected with that inquisition into the essence of things which always characterises the infancy of the human mind. . . . Metaphysics itself is the transition stage from theology to positive science; but a secondary transition is also necessary, as we see by the fact—a transition from metaphysical to positive conceptions. The mathematicians and astronomers have attained the positive basis. The physicists, the chemists, the physiologists, and the social philosophers, are now in the last period of transition; the physical inquirers, ready to pass up to the level of the astronomers and geometers.[1]

So little does M. Comte know of the state of mental philosophy, which he depreciates under the name of metaphysics, that, ignorant of all that the modern English mental philosophers have done during the last two centuries, from Hobbes to James Mill, he assumes that mental philosophy is in the state in which it was left by Plato and Aristotle—to which state alone his description applies. So striking is his ignorance of this, that Hobbes, as will be shown in the next essay, had thoroughly exposed the error which, according to M. Comte, forms 'the essential character of metaphysical conceptions,' of attributing to properties an existence separate from the substance which manifests them; and James Mill, in his 'Analysis of the Phenomena of the Human Mind,' had, long before M. Comte wrote

[1] Comte, i. 228. For convenience I quote from Miss Martineau's translation, entitled 'The Positive Philosophy of Auguste Comte, freely translated and condensed by Harriet Martineau; in 2 vols. London, 1853.'

—the 'Analysis' was published in 1829—actually done for metaphysics what M. Comte says has still to be done for physics. So that metaphysics has now attained what M. Comte calls 'the positive basis' in a greater degree than physics; and metaphysical philosophers are now (according to M. Comte's description of physics) far more than physical philosophers on the level of the astronomers and geometers. In proof of this I will show in subsequent essays how much Hobbes and James Mill have done to emancipate the human mind from the state of torpor in which it had remained for twenty centuries in slavish subjection to Aristotle and Catholicism—both of them especial favourites of M. Comte—and thence will appear the utter groundlessness of M. Comte's charges as to the metaphysicians dealing with 'entities' or 'abstractions,' all the delusions and fictions of which have been long ago completely cleared away.

I will mention here one of M. Comte's generalisations, which shows at once his ignorance of modern metaphysics and of the writings of Hobbes. 'Rousseau's doctrine, which represents a state of civilisation as an ever growing degeneracy from the primitive ideal type, *is common to all modern metaphysicians.*'[1] I suppose Hobbes would be included among M. Comte's 'modern metaphysicians,' and Hobbes' well-known description of the primitive type in which there are no arts, no letters, no society, and—which is worst of all—continual war, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short,[2] gives a flat contradiction to M. Comte's assertion.

M. Comte calls England's parliamentary monarchy 'an exceptional institution, whose inevitable end cannot be

[1] Comte, ii. 19. [2] Hobbes's Leviathan, part i. chap. xiii.

very far off;' and 'an organised Protestantism, which is its main spiritual basis in England.'[1] This proves M. Comte's profound ignorance of English history. He appears to imagine that parliamentary government in England dates from the Reformation. He inveighs also against Utopias, while he proposes the wildiest Utopia. He says: 'After all the vast efforts to nationalise elsewhere the stationary compromise' [his term for parliamentary government],' it has never succeeded anywhere but in its native land; and this proves its powerlessness in regard to the great social problem.'[2] It has succeeded in America, and in France it has never had a fair trial. M. Comte, in his characteristic way, thus speaks of constitutional or parliamentary government, which he is pleased to include among what he styles 'puerile questions of political forms.'[3]

'It is strange that minds should be so self-deceived as to disclaim all speculative prejudices, while they propose the most absurd of all political Utopias—the construction of a system of government which rests upon no true social doctrine. Such an absurdity is referrible to the cloudy prevalence of the metaphysical philosophy, which perverts and confuses men's notions in politics, as it did formerly, during its short triumph, in all other orders of human conceptions.'[4]

M. Comte could not pay a higher compliment to the metaphysical philosophy than to ascribe to it the construction of constitutional government; though it is a compliment to which its title may be disputed.

Another of M. Comte's dogmas is in opposition to an

[1] Comte, ii. 26.
[2] *Ibid.* ii. 27.
[3] *Ibid.* ii. 37.
[4] *Ibid.* ii. 37.

opinion of Turgot, who, according to his biographer Condorcet, would say, 'Why have good morals existed among no people on the face of the earth? It is because none has had good laws.' But M. Comte, in accordance with the ancient saying 'Quid vanæ sine moribus leges proficient?' has a great deal of verbiage to the effect that 'ideas and social manners' are more important than institutions; also that 'doctrines are more important than institutions'—meaning, of course, his own doctrines.

Again, he says, 'For three centuries past the most eminent minds have been chiefly engaged with science, and have neglected politics; thus differing widely from the wisest men in ancient times, and even in the Middle Ages.'[1]

A statement more the reverse of fact was never made. Socrates, Plato, and Aristotle, the wisest men of Greece, were not engaged in politics; and if, among the Romans Cicero be ranked as a philosopher—which he hardly was, being a *writer* rather than a *thinker*—no men in ancient times engaged in politics were as much philosophers as Bacon and Turgot, who both come within M. Comte's 'three centuries past.'

M. Comte says: 'The best way of proving that my principle of social development will ultimately regenerate social science, is to show that it affords a perfect interpretation of the past of human society—at least in its principal phases.'

The answer to this is, that M. Comte does not know the past. He may give an interpretation of an imaginary past. This he does. But such interpretation proves

[1] Comte, ii. 40.

[2] *Ibid.* ii. 181.

nothing—or nothing more than Montesquieu's hypotheses, supported on fables as authentic as 'Gulliver's Travels.'

M. Comte says: 'It is the commonest sort of facts that are most important.'[1] Again: 'In this department of science, as in every other, the commonest facts are the most important. In our search for the laws of society, we shall find that exceptional events and minute details must be discarded as essentially insignificant, while science lays hold of the most general phenomena which everybody is familiar with, as constituting the basis of ordinary social life. It is true popular prejudice is against this method of study; in the same way that physics were till lately studied in thunder and volcanoes, and biology in monstrosities: and there is no doubt that a reformation in our ignorant intellectual habits is even more necessary in sociology than in regard to any of the other sciences.'[2]

Let us now see what M. Comte brings forward as 'the commonest facts'—'the most general phenomena which everybody is familiar with.'

M. Comte says that among savages 'the wisdom of the aged performs the office of transmitting the experience and the traditions of the tribe, and soon acquires a consultative power, *even among populations whose means of subsistence are so precarious and insufficient as to require the mournful sacrifice of decrepit relations.*'[3]

This passage, particularly the words I have underlined, may be taken as an average specimen of the accuracy of the so-called facts out of which M. Comte spins his 'positive philosophy.' The two circumstances he mentions belong to two different stages of barbarism. The first, the acquisition of a consultative power by the aged,

[1] Comte, ii. 98. [2] *Ibid.* ii. 182. [3] *Ibid.* ii. 222.

belongs to the stage represented by Homer in the 'Iliad,' and exemplified in Nestor. The second belongs to the stage of barbarism in which the Zulu Kafirs are depicted by recent travellers as being—a state of barbarism where a Nestor could not be found, but where the aged were sometimes destroyed because they were no longer of use, and were considered a burthen. Building theories on such imaginary facts is only like spinning ropes of sand.

It is somewhat curious that though M. Comte by no means admires or approves of the theological stage in the history of the human mind, he nevertheless appears to admire greatly what he terms '*the fine theocratic natures of early antiquity*.' Indeed what Hobbes has said of witches, that 'their trade was nearer to a new religion than to a craft or science,' may be applied to M. Comte as well as to Joe Smith, that the 'positive philosophy' was merely a name for a new theocracy of which M. Comte was to be the high-priest. So that the human mind, under the guidance of M. Comte, after passing through the old theological stage, and the metaphysical, to the 'positive,' was to find that it had only got back to the point whence it started, and was returning to Egyptian or Hindu petrefaction under the theocracy of M. Comte, who thus expatiates on 'the fine theocratic natures of early antiquity':—

'Within, all the castes were united by the single bond of their common subordination to the sacerdotal caste, from which each derived all that it had of special knowledge and perpetual instigation. There never was elsewhere such a concentration, for intensity, regularity, and permanence of human power, as that possessed by the supreme caste, each member of which (at least, in the

higher ranks of the priesthood) was not only priest and magistrate, but also philosopher, artist, engineer, and physician. The statesmen of Greece and Rome, superior as they were in accomplishment and generality to any examples that modern times can show, appear but incomplete personages in comparison with the fine theocratic natures of early antiquity.'[1]

Against this dictum of M. Comte, in support of which he brings no evidence whatever, place the evidence adduced by men who were really philosophers as well as scrupulous and laborious collectors and investigators of facts—men who did not, as so many have done, write history and make their facts as they went along, but submitted to the labour of searching for facts, which though of the utmost importance were so far from being, as M. Comte asserts, 'phenomena with which every body is familiar,' that they appear to be quite unknown to M. Comte, omniscient as he represents himself.

James Mill, in his 'History of British India' says :—'The admiration which the Greeks, no very accurate observers of foreign manners, expressed of the Egyptians, and which other nations have so implicitly borrowed at their hands, not a little resembles the admiration among Europeans which has so long prevailed with regard to the Hindus. The penetrating force of modern intelligence has pierced the cloud; and while it has displayed to us the state of Egyptian civilisation in its true colours, exhibits a people who, standing on a level with so many celebrated nations of antiquity—Assyrians, Babylonians, Persians, Arabians—correspond, in all the distinctive marks of a particular state

[1] Comte, ii. 239.

of society, with the people of Hindustan.'[1] And, in addition to Goguet's 'Origin of Laws,' Mill cites Gibbon as to the exaggerated nonsense on the civilisation of the Egyptians;[2] as he has himself exposed the exaggerated nonsense and gross falsehoods respecting the civilisation of the Hindus.

The President Goguet, after having carefully and dispassionately weighed it, thus sums up the evidence respecting those 'fine theocratic natures of early antiquity' eulogised so extravangantly by M. Comte. 'It appears to me to result from all these facts that the Egyptians were a people industrious enough, but, as to the rest, without discernment; a people who had only ideas of grandeur ill understood; and whose progress in all the different parts of human knowledge never rose beyond a flat mediocrity; knavish into the bargian, and crafty, soft, lazy, cowardly, and submissive; and who, having performed some exploits to boast of in distant times, were ever after subjected by whoever would undertake to subdue them; a people, again, vain and foolish enough to despise other nations without knowing them; superstitious to excess, singularly addicted to judicial astrology, extravagantly besotted, with an absurd and monstrous theology. Does not this representation sufficiently authorise us to say that all that science, that wisdom, and that philosophy, so boasted of in the Egyptian priests, was but imposture and juggling, capable of imposing only on people so little enlightened, or so strongly prejudiced, as were anciently the Greeks in favour of the Egyptians.'[3] He adds, 'I should be greatly tempted to compare this nation with the Chinese.' On which James Mill has this

[1] Mill's History of British India, vol. ii. p. 202, 3rd edition, London, 1826.
[2] *Ibid.* p. 204, note.
[3] Goguet, Origin of Laws, part iii. book vi. chap. ii.

note:—'Had the Hindus been then as fully described as they are now, he would have found a much more remarkable similarity between them and the Egyptians.' Mill adds, 'Exaggeration was long in quitting its hold of Egypt.' It has not yet quitted its hold; if it had, we should not hear at this time of day the words 'fine theocratic natures' applied to jugglers and impostors.

M. Comte is so enamoured of the jugglers and impostors whom he designates as 'fine theocratic natures' that he proceeds to generalise the conditions of their production. 'These conditions,' he says, 'are best found in the valley of a great river, separated from the rest of the world by the sea on the one hand, and inaccessible deserts or mountains on the other.' This is an instructive example of M. Comte's method of forming his generalisations. He takes Egypt and forms his generalisation as to the physical geography of the regions fertile in 'fine theocratic natures' from that *one* case, serving as an induction of cases. He does, indeed, also mention Chaldæa and Hindostan, which may be said to possess the condition of the valley of a great river, but hardly that of the inaccessible deserts. He thus proceeds: 'Thus the great system of castes flourished first in Egypt, Chaldæa, and Persia; and it abides in our day in those parts of the East which are least exposed to contact with the white nations, as in China, Japan, Tibet, Hindostan, &c.; and, from analogous causes, it was found in Mexico and Peru at the time of their conquest.'

It is not easy to see how by the term 'analogous causes' Mexico and Peru can be brought under the

[1] Mill's History of British India, vol. ii. p. 204, note.
[2] Comte, ii. 237.

same conditions of physical geography with Egypt. We may see from this how closely this writer follows the method of philosophising of Montesquieu, whose works he characterises as 'the first and most important series of works' after Aristotle, particularly his 'Spirit of Laws,' of which he says:—'The great strength of this memorable work appears to me to lie in its tendency to regard political phenomena as subject to invariable laws, like all other phenomena. This is manifested at the very outset, in the preliminary chapter, in which, for the first time in the history of the human mind, the general idea of *law* is directly defined in relation to all, even to political subjects, in the same sense in which it is applied in the simplest positive investigations.'[1]

This extravagant eulogy is strange, applied as it is to the complete confusion of ideas exhibited in Montesquieu's attempt to define *law*. The following is the first sentence in Montesquieu's 'Spirit of Laws:' 'Les lois, dans la signification la plus étendue, sont les rapports nécessaires qui dérivent de la nature des choses, et dans ce sens tous les êtres ont leurs lois: la Divinité a ses lois, le monde matériel a ses lois, les intelligences supérieures à l'homme ont leurs lois, les bêtes ont leurs lois, l'homme a ses lois.'

Bentham has thus characterised this passage of Montesquieu.:—

'Montesquieu lui-même est tombé dans ce vice de raisonnement, dès le début de son ouvrage. Voulant définir la loi, il procède de métaphore en métaphore: il rapproche les objets les plus disparates, la Divinité, le monde matériel, les intelligences supérieures, les bêtes et les hommes. On apprend enfin que les *lois* sont *des*

[1] Comte, ii. 56.

rapports, et des rapports éternels. Ainsi la définition est plus obscure que la chose à définir. Le mot *loi*, dans le sens propre, faît naître une idée passablement claire dans tous les esprits ; le mot *rapport* n'en fait naître aucune. Le mot *loi*, dans le sens figuré, ne produit que des équivoques, et Montesquieu, qui devait dissiper ces ténèbres, les redouble.'[1]

The character of laws, properly so called, is that they are rules or commands which govern the conduct of rational creatures. 'But the so-called laws which govern the material world, with the so-called laws which govern the lower animals, are merely laws by a metaphor. . . . . To mix these figurative laws with laws imperative and proper, is to obscure, and not to elucidate, the nature or essence of the latter. The beginning of the passage is worthy of the sequel. We are told that laws are the necessary relations which flow from the nature of things. But what, I would crave, are relations? What, I would also crave, is the nature of things? And how do the necessary relations which flow from the nature of things differ from those relations which originate in other sources? The terms of the definition are incomparably more obscure than the term which it affects to expound.'[2]

It seems a little strange that M. Comte, who affects in certain matters to set much value on rationality, should in his exaggerated profession of admiration for this unintelligible jargon of Montesquieu appear to desire to confound rational creatures with irrational matter. This,

[1] Bentham, Principes de Législation, chap. xiii. in Traités de Législation civile et pénale ; extraits des manuscrits de Jérémie Bentham. Par Ét. Dumont.

[2] The Province of Jurisprudence Determined ; by John Austin, Esq., Barrister-at-Law : London, John Murray, Albemarle Street, 1832, pp. 191, 192.

however, may be a part of his system, which, among other objects, asserts the right of spiritual domination—of a theocratic despotism, which would reduce human beings to the level of irrational matter or brutes. When that has been accomplished, the absurdity of his admiration of Montesquieu's definition of *law* might disappear.

If men even of great abilities have failed, as has been said by Blackstone,[1] in point of accuracy in the attempt to write a general and complete history of England, they must *à fortiori* fail in the attempt to write a general history of the world, and even in the attempt to do what Montesquieu has attempted in his 'Spirit of Laws;' and also in such an attempt as that of M. Comte in what he calls 'Social Physics.' It may be inferred, from what has been said in regard to the first sentence of Montesquieu's 'Spirit of Laws,' that Montesquieu, though styled by M. Comte 'this great philosopher,' was not a man of great abilities. M. Comte, however, exalts him for his demerits, for his confusion of ideas, his shallowness, and his inaccuracy as to historical facts; and depreciates him for his merits, for his seeing the value of representative government; for his seeing that, from ignorance of 'the divine principle of representation,'[2] all the attempts of the ancient philosophers and statesmen to obtain good government had failed; and for his consequently 'setting up, as a universal political type, the English parliamentary

[1] See Blackstone's Introduction to his edition of Magna Charta, in his Tracts, pp. 352, 353, 3rd edition, 4to. Oxford, 1771.

[2] 'Plato, seeing the necessity of identifying the interests of the guardians with the interests of the guarded, bent the whole force of his penetrating mind to discover the means of effecting such identification; but being ignorant, as all the ancients were, of the divine principle of representation, found himself obliged to have recourse to extraordinary methods.'—*James Mill's Fragment on Mackintosh*, p. 289.

system.'[1] M. Comte adds, 'the insufficiency of which, for the satisfaction of modern social requirements, was not, it is true, so conspicuous in his day as it is now, but still discernible enough.' If Montesquieu made a mistake in setting up the English parliamentary system as a *universal* political type, his blunder is slight compared with that of M. Comte in absolutely pronouncing its total insufficiency for the satisfaction of modern social requirements. Mr. J. S. Mill, in the fourth chapter of his 'Considerations on Representative Government,' has examined fully 'under what social conditions representative government is inapplicable;' while the preceding chapter of the same work is devoted to showing 'that the ideally best form of government is representative government.'

But while M. Comte has made Montesquieu's approbation of the English parliamentary system a great fault and shortcoming attributable to Montesquieu's not enjoying the blessings of the 'Positive Philosophy' of M. Comte, and not possessing the vast power of analysis and generalisation by which M. Comte, like Epicurus and Newton, *genus humanum ingenio superavit;* he has found no fault whatever with Montesquieu's false generalisations, founded on facts such as M. Comte has used so liberally in the construction of his 'Philosophy.' The words used by Lord Macaulay of Montesquieu may be applied with equal truth to M. Comte. 'If nothing established by authentic testimony can be racked or chipped to suit his Procrustean hypothesis, he puts up with some monstrous fable about Siam, or Bantam, or Japan, told by writers

[1] Comte, ii. 57.

compared with whom Lucian and Gulliver were veracious; liars by a double right, as travellers and as Jesuits.'[1]

I may add here that M. Comte's knowledge of Grecian history is quite on a level with his knowledge of Egyptian. He speaks of a state of things of 'the ancient times, when the Greek philosophy was about to make way for the Christian regeneration of the family and of society, and when fantastical errors, caused by the long intellectual interregnum, gave occasion to the famous satire of Aristophanes, which we may accept as a rude rebuke for our own licentiousness.'[2]

What does he mean by 'intellectual interregnum?' He does not seem to know that Aristophanes was the contemporary of Socrates, and may be, without almost any inaccuracy, also called the contemporary of Plato and Aristotle, since Plato was the friend of Socrates and Aristotle was the pupil of Plato; whereas the words used by M. Comte, 'long intellectual interregnum,' would imply that he imagined Aristophanes to have lived three or four centuries after Socrates. These surely are among 'the commonest facts.' And M. Comte thus appears to be quite ignorant even of the 'commonest facts,' which are, he says, necessary for his 'historical analysis.' According to his own showing, then, he wants the materials for an 'historical analysis.'

M. Comte says that the attempt of Montesquieu, and another attempt of Condorcet—a writer, except in his 'Life of Turgot,' quite as untrustworthy as Montesquieu—'are really all that have been made in the right road to social science, for they are the only speculations which

[1] Macaulay's Essay on Machiavelli.
[2] Comte, ii. 135.

have been based on the aggregate of historical facts.'[1] This statement would have come nearer the truth if he had said instead of 'aggregate of historical facts,' 'aggregate of historical fictions.'

M. Comte, after passing a eulogy on Bossuet's 'Discourse on Universal History,' describing it as 'a model suggesting the true result of historical analysis' [everything is 'analysis' with M. Comte], 'the rational co-ordination' ['co-ordination' is another of his fine misty phrases] 'of the great series of human events, according to a single design; which must, however, be more genuine and complete than that of Bossuet,' goes on thus:—'Still history has more of a literary and descriptive than of a scientific character. It does not yet establish a rational filiation in the series of social events, so as to admit (as in other sciences, and allowing for its greater complexity) of any degree of systematic prevision of their future succession.'[1]

It is instructive to observe the result in M. Comte of that 'degree of systematic prevision of the future succession of events,' which was necessary to establish his science of social physics or sociology. His version of what he calls 'the aggregate of historical facts,' seems to have led him to the 'prevision' of a resurrection of the 'fine theocratic natures of early antiquity,' when the great mass of mankind were the absolute slaves or dupes of an organized confederacy of jugglers and impostors. If this is all the result of giving or pretending to give to history a scientific character, it had better remain as it is; in that state in which, according to M. Comte, 'the growing taste of our age for historical labours is wasted

[1] Comte, ii. 65.

upon superficial and misleading works, sometimes written with a view to immediate popularity, by ministering to the popular taste.'[1] None of these works, whether written with a view to immediate popularity or not, could be more misleading than this of M. Comte. The difference between true and false philosophy could not be better exemplified than by Newton's throwing aside his investigations about gravitation till he obtained an accurate measure of the earth's radius, and M. Comte's total indifference to the accuracy of his materials.

Though, as has been shown, it can be proved that down to the time of the Commonwealth very little reliance can be placed not merely on English histories and memoirs, but even on English State Papers; yet it may be considered as a matter within the reach of any tolerably careful historical inquirer, much more of a 'positive philosopher' who was building a system on historical 'facts,' whether the Government of England at the time of the Reformation was aristocratical or monarchical. But such is M. Comte's profound ignorance of English history, that he commits the gross blunder of attributing to the English nobility, whom he calls 'Lords of Parliament,' the arbitrary changes of 'articles of faith,'[2] which were the work solely of Henry VIII., M. Comte fancying that because the English barons were an aristocracy—were really powerful in the time of Magna Charta—they were the same in the time of the Tudors.

M. Comte calls 'the separation of the spiritual and temporal powers 'the most valuable legacy left us by Catholicism, and the only one on which, when united

[1] Comte, ii. 65.

[2] *Ibid.* ii. 325.

with a true positive doctrine, the re-organization of society can proceed.'[1] Again, in the next page, he calls this 'the theory of Catholicism.' He passes over the crimes of the Borgias, of the Valois, of Catharine de' Medici, of Philip II., and brings up all the charges he can devise against Protestantism. He talks of 'the accommodating temper of the founders of the English church towards the shocking weaknesses of their strange national pope,' and he has the courage to add that 'Catholicism was never thus openly degraded.'[2] Compare 'the shocking weaknesses' of Henry VIII. with the deeds, whatever name be given to them, of the Borgias, of Philip II., of the sons of Catharine de' Medici, Charles IX., and Henry III. of France. Moreover, Henry VIII. was not a Protestant in any sense but that of substituting himself for the Pope.

Again, with regard to M. Comte's assertion that there is a necessary harmony or correlation between the form of government and state of civilisation;[3] what necessary harmony or correlation was there, it may be asked, between the poetical genius of Shakspeare and Milton, the philosophical genius of Bacon, Harvey, and Hobbes, and such a government as that of James I.? On the contrary, there was a most palpable discord—a discord which made itself heard throughout the world in the Great Rebellion—that brought Charles I. to the block. False premisses must lead to false conclusions. Imaginary facts must lead to false philosophy; and false philosophy must lead to bad government, and to bad morality, public and private. M. Comte's doctrine would have prevented all such reform as that which was the result of the Great Rebellion; for, according to it,

[1] Comte, ii. 342. [2] *Ibid.* ii. 345. [3] *Ibid.* ii. 79.

there was a harmony between the government and the state of society, which would have precluded all reform. The very first rise of the Puritans under the Tudors proves that the form of government had then grown *out* of harmony with a large portion of the people. And indeed the government of the Tudors and the Stuarts was only suited to savages such as the Zulu Kâfirs. Therefore, if, according to M. Comte, 'in the natural course of events, and in the absence of intervention, such a harmony must necessarily be established,'[1] the people of England under the Stuarts, in order to produce M. Comte's 'harmony,' were to retrogade to suit the government of the Stuarts. According to M. Comte, in fact, there are no such things as a good government and a bad government. But correlation or harmony is everything. Was there any correlation or harmony which made it fit—made it agreeable—to Philosopher Square's 'fitness of things'—that the people under the worst Roman emperors or under the French government before the revolution should be plundered or oppressed? M. Comte's political philosophy, after many flourishes in a vicious circle, only comes back at last to that of the illustrious Philosopher Square.

M. Comte's account of what he calls 'the great unsuccessful English revolution'[2] is thoroughly incorrect, as might be expected from his profound ignorance of English history. He calls it 'the generous but premature effort for the political degradation of the English aristocracy.'[3] Equally incorrect is his account of the American revolution. In regard to the case of England, what he calls the English aristocracy was not an aristocracy at all They were mere courtiers, creatures of the court; and

[1] Comte, ii. 79. [2] *Ibid.* ii. 341. [3] *Ibid.*

had no political power. The old power of the warlike barons had completely fallen. The new power of the parliament had not risen.

A very slight acquaintance with 'the commonest facts' of English history would have prevented M. Comte from making such gross mis-statements. The old barons, who were a real aristocracy—and who deposed Edward II., charging him in the Bill of Deposition which they brought into parliament with sloth, incapacity, cowardice, cruelty, and oppression, by which he had done his best to disgrace and ruin his country (suppressing certain specific charges [1] out of delicacy to his son), would not have endured for twenty years the deep infamy brought upon their country by the monstrous vices, combined with the misgovernment and cowardice of the first Stuart. For, in truth, no such king as James Stuart, who succeeded to the throne of Elizabeth, had sat in that place since Edward II. had paid the forfeit of his misgovernment and his vices by deposition and death. But where now were those who could deliver the English nation from the misgovernment and vices of this Stuart? During the three centuries that had elapsed between Edward II. and James I. changes of vast importance had taken place. And, what seems paradoxical, some of the greatest inventions made by man, that of gunpowder (in 1340), of paper (in 1417), of printing (in 1440), of the mariner's compass, if not to be considered in the relation of cause and effect, were certainly in that of antecedent and consequent, in the change from liberty to despotism throughout Europe.

[1] It is remarkable that Hume, in direct opposition to the clearest and most conclusive evidence has pronounced both Edward II. and James I. as having no vices, but only an incapacity for serious business.

Since the middle of the fifteenth century, when the great war of the kings begun, or, at least, became systematic, against the liberties of Europe, the course of events had all been in the direction of absolute monarchy. Ferdinand the Catholic and Henry VII., King of England, cemented their agreement as to their own rights and those of the great mass of mankind by a marriage between their children. The work of destruction of the ancient English nobility, which had been carried so far by the civil wars of the Roses, was completed by Henry VII. and his son, Henry VIII. Their object was to destroy every vestige, to trample out every spark of the fire and spirit of the warlike and high-spirited Anglo-Norman nobility. Then commenced a long period of oppression, such as had been unknown in England since Magna Charta had been wrested from King John.[1]

Great indeed had been the change that had come over the English nobility—even in the comparatively short period of 140 years—since that tenth day of July 1460, when, at the sanguinary battle of Northampton, 'at two of the clock afternoon, the earls of March and Warwick let cry thorow the field that no man should lay hand upon the king, ne on the common people, but on the lords, knights, and esquires.'[2] Could Warwick have foreseen all the consequences, he might have paused before giving such an order. For the result was somewhat similar to that produced by the civil wars of Rome, when the

[1] A great change had also come over the Scottish nobility during that period. Archibald Douglas, fifth earl of Angus, surnamed Bell-the-Cat, had deposed James III. of Scotland, and hanged all his favourites at once on the bridge of Lauder, on alleged charges somewhat similar to those on which the English barons had deposed Edward II.

[2] Stow, p. 409.

successors of those potent and warlike nobles, who were able to set up and put down kings, crouched and trembled before the vilest of mankind, became the victims and laughing-stocks of effeminate tyrants and their base minions, and when their sons and daughters were given up to every monstrous brutality.[1]

There are other points of resemblance. When the right of electing magistrates by public suffrage in the Campus Martius was taken from the people and vested in the Senate,[2] the senators were pleased with the change, as if ignorant that it was a sign of a change in them from their old real power to abject degradation and slavery. So in England, when the Star Chamber stickled so for the *dignity* of the peerage, their old power was gone, and their new power had not arisen; though those who, like Hume, have studied this period of history very superficially, have concluded, from the fines imposed by the Star Chamber for any disrespect to a peer, that it was a finer thing to be a peer then than before or since.[3]

[1] Compare Tacit. Ann. vi. 1. xiii. 25, with the authentic evidence, which need not here be specified, as to the court of James I. And as similar circumstances produce similar events and similar men, Romanus Hispo corresponded somewhat to Empson and Dudley. Tacit. Ann. i. 73, 74. Buckingham was by Sir John Eliot compared to Sejanus. But Sejanus was a man of more profound policy than Buckingham. The 'accendebat hæc onerabatque Sejanus, peritiâ morum Tiberii, odia in longum jaciens, quæ reconderet, auctaque promeret' (Tacit. Ann. i. 69) belongs rather to the character of Salisbury than to that either of Somerset or Buckingham. Salisbury, in fact, proceeded precisely in this way in inflaming James against Raleigh, and thus destroying a former friend, whom he considered an enemy or rival. Compare also what Tacitus says about *mos regius* (Ann. vi. 1) with what Mr. Grote says (History of Greece, vol. x. pp. 516, 517) about the assassination of Kotys by two brothers to avenge their father, upon whom Kotys had inflicted some brutal insult, *more regio*, that is, under the influence of that temper which incites unbridled tyrants to select the highest class of their subjects as the victims of their brutality.

[2] Tacit. Ann. i. 15.

[3] Hume thus concludes his relation of one of many of those Star Chamber

Though the dramatic literature of any age may be considered as a representation more or less accurate of that age, the actual condition of the English nobility at the commencement of the seventeenth century would hardly be inferred from the dramatic literature of that time. A lord is still represented there as a person of such infinitely greater power and dignity than a mere citizen engaged in trade, that an ordinary reader would not suppose that such lord was in reality so different from a lord of two or three centuries earlier. The lords introduced indeed are most commonly described as courtiers, as 'noblemen of the court,' and consequently enjoying at second-hand a portion of that dignity which then belonged to the court, and which no wealth possessed by a mere citizen could command. The cause of this lies in that law of human nature which determines the respective ranges of the two instruments, power and wealth, over the services of our fellow-creatures. The range of the latter instrument, wealth, is far narrower than that of the former, power. The means any man has of paying for the services of others are necessarily limited. The power of inflicting evil in case of disobedience and of procuring service by fear is not so limited. The means which have been possessed by some men, of imposing their commands on other men through fear, have extended to many millions. Hence will appear the complicated nature of an oligarchical despotism, such as was exercised in England not many years ago. The

cases during the reigns of James I. and Charles I.: 'So fine a thing was it in those days to be a lord!—a natural reflection of Lord Lansdown's, in relating this incident.' History of England, chap. lii. The Star Chamber being simply a council of courtiers, or creatures of the king, would, of course, do their utmost to support their dignity.

governing body or class first took through their power the money of the governed, and then again purchased the services of the governed with their own money. So that it might appear that their wealth was the source of their power; whereas their power was the source of their wealth. By another remarkable law of association, the influence of power extends beyond the absolute circle of its action. By a fundamental principle of their nature, men strongly associate the idea of their happiness with command over the sources of human enjoyment. This explains the proneness of mankind to interest themselves in the fortunes of the powerful, and to desire the accomplishment of their ends.[1] Consequently the English nobility, though at that time really powerless, were still, on the stage and according to vulgar judgments, an aristocracy, partly because they were courtiers, and partly because they bore the titles of those who had been really powerful.

Mr. Buckle, without such vast pretensions to philosophical genius, has done more than M. Comte; for, though the ambition of generalisation is a snare to him also, his indifference to accuracy of facts, though not inconsiderable, is by no means equal to that of M. Comte. From the facts of statistics Mr. Buckle has shown that, in any large country, the proportion to the population of the number of murders, of suicides, accidents, and other social phenomena, varies very little from one year to another. This result supplies from the past that power of prevision for the future within certain limits which

[1] See a masterly analysis of this subject in Mill's Analysis of the Phenomena of the Human Mind, vol. ii. p. 166.

M. Comte promises but does not give, and therefore presents something more definite than M. Comte contributes to this subject.

It will, however, be necessary to call attention to some conclusions of Mr. Buckle that appear to be based on very loose views of historical evidence. Mr. Buckle, while he has devoted much labour and ability to the task of showing the tyranny of the Presbyterian clergy, does not seem to have known that the tyranny of King James at least equalled that of the Presbyterian clergy; and he has not done the latter the justice of stating that, while the English clergy rivalled the worst and basest of his courtiers in their abject and blasphemous flattery, some of the Scottish Presbyterian clergy dared to tell him to his face what they believed to be the truth. In the second conference of Mr. Robert Bruce with the King, 'Mr. Robert Bruce desired that he and others of the ministry be not urged to hurt their consciences; and that his Majesty would not think that honest men would sell their souls, howbeit their bodies and gair [goods] shall be at his Majesty's command.' 'I understand not what ye mean,' said the king, 'by selling of your souls, but I shall gar [make] the best of your say and gainsay.'[1] This Mr. Robert Bruce had the courage to tell King James to his face that he did not believe his story about the death of Alexander Ruthvern and his brother the Earl of Gowrie, and suffered exile from his country rather than publish from his pulpit what he believed to be a falsehood.

Mr. Buckle, in the second volume of his 'History of

[1] Pitcairn's Criminal Trials, vol. ii. p. 306.

Civilization,' says:—'Their [the Presbyterian clergy's] participation in the Ruthven conspiracy is unquestionable; and it is probable that they were privy to the last great peril to which James was exposed before he escaped from that turbulent land which he was believed to govern.' First it is 'unquestionable,' and then it is 'probable;' and this logical discrepancy occurs in the same sentence, If their participation in the conspiracy was unquestionable, it was of course unquestionable—not probable—that they were privy. Mr. Buckle thus proceeds:—'Certain it is, that the Earl of Gowrie, who, in 1600, entrapped the king into his castle,[1] in order to murder him, was the hope and the mainstay of the Presbyterian clergy, and was intimately associated with their ambitious schemes. Such, indeed, was their infatuation on behalf of the assassin' [he calls the assassinated man the assassin], 'that when his conspiracy was defeated, and he himself slain, several of the ministers propagated a report that Gowrie had fallen a victim to the royal perfidy, and that, in point of fact, the only plot which ever existed was one concocted by the king, with fatal art, against his mild and innocent host.'[2]

The authorities cited by Mr. Buckle for this very authoritatively pronounced statement are Tytler's 'History of Scotland,' vol. vii. pp. 439, 440; and Burnet's 'History of his own Time,' vol. i. p. 31, Oxford, 1823. The value of Tytler's authority will be fully shown in a subsequent essay. Burnet is no authority whatever. He was not a contemporary, and knew nothing about the matter. Mr.

[1] So little did Mr. Buckle know about the matter of which he wrote with such confidence that he calls Gowrie House a castle, although it was neither a castle nor a place of strength at all.

[2] Buckle's History of Civilisation in England, vol. ii. p. 256.

Buckle says, in a note at p. 256, 'See a good note in Pitcairn's Criminal Trials in Scotland, vol. ii. p. 179, Edinburgh, 1833, 4to.' Mr. Pitcairn's notes are of no value whatever, or rather they are much worse than of no value, though the records he has published are of great value. The records prove the guilt of James, and Mr. Pitcairn's notes assert his innocence. Mr. Buckle goes on: 'An absurdity of this sort was easily believed in an ignorant and therefore a credulous age.' There is one thing that is even worse than credulity and ignorance. It is the conceit of knowledge without the reality, and the lofty confidence of incapacity, which lead to false philosophy, the produce of *assumed facts*, as all true philosophy is the produce of *accurately observed facts*. If Mr. Buckle had read the records which Mr. Pitcairn had published instead of contenting himself with reading Mr. Pitcairn's notes, or if he had only read a note of Mr. Mark Napier in the Bannatyne Club edition of Spottiswood's 'History' (vol. iii. p. 289), he might possibly have come to a different conclusion. But while writers of history allow themselves to be misled by such notes as Mr. Pitcairn's while they neglect authentic records, the result evidently cannot be truth, or any approximation to truth.

Though I have felt compelled to enter my protest against the dogmatical manner in which Mr. Buckle has expressed his conclusions on this very dark passage of history upon a very insufficient examination of the voluminous evidence bearing upon it—a minute examination of which evidence will be found in the essay in this volume entitled 'Sir Walter Scott'—and though I differ from Mr. Buckle on many other points, both historical and philosophical, 'I cannot,' to borrow his own words

in a note[1] on Lord Macaulay, 'refrain from expressing my admiration of his unwearied diligence, and of the noble love of liberty which animates his entire work.' His exposition of the attempt made in the reign of George III. to change a limited into an absolute monarchy is particularly striking and instructive.[2]

But he is not so successful where, in order to make out an analogy between France and England in the seventeenth century, he says, 'In both the insurgents, at first triumphant, were afterwards defeated, and the rebellion being put down, the governments of the two nations were fully restored almost at the same moment; in 1660 by Charles II., in 1661 by Louis XIV.'[3] The English rebellion was thoroughly successful, and there was not the least analogy between it and the war of the Fronde. In support of another of his inaccurate generalizations, Mr. Buckle cites as authorities such writers as Holles, Walker, Bates, Noble, and the author or authors of the 'Mystery of the Good Old Cause,' all violent royalist or Presbyterian partizans, and therefore by no means trustworthy authorities for the pedigrees of the Ironsides.[4] I do not say that there was not a large proportion of men of humble birth among the Ironsides, but Mr. Buckle's great though delusive show of authorities does not prove it. Moreover Mr. Buckle's conclusion from his assumed facts —('the tailor and the drayman' [Joyce and Pride] were in that age strong enough to direct the course of public affairs[5])—is manifestly incorrect. All the men who rose to the highest power and leadership were men of education and position. Cromwell, Ireton, Blake, Vane,

[1] Vol. i. p. 360, 1st edition. [2] See vol. i. pp. 433–456, 1st edition.
[3] Vol. i. p. 554. [4] Vol. i. pp. 600–605. [5] *Ibid.* p. 601.

and Scot, were men who had received a university education. And some of the most determined republicans, such as Adrian Scroop, Henry Nevill, William Say, Miles Corbet, John Lisle, Lord Grey of Groby, and others, were men of the families of the old Plantagenet nobility, as well as men of cultivated minds, while the royalists were mostly new men, who owed their position to the caprice of the Tudors and Stuarts.

Another generalization of Mr. Buckle as to the progress in toleration made by the French nation in 1650, founded on the assumed fact that Descartes, the enemy of superstition, should 'have lived without serious danger, and then have died peaceably in his bed,'[1] is disposed of by the fact that Descartes was compelled to accept from Queen Christina, as a protection from the hostility of his priestly persecutors, an asylum in Sweden, where the rigour of the climate, aided by the caprice or madness of his royal patroness, killed him, at the age of fifty-three, in 1650. Mr. Buckle, in a note at the end of the chapter, indeed says: 'Descartes died in Sweden on a visit to Christina, so that strictly speaking there is an error in the text. But this does not affect the argument.' That depends on whether Descartes made the visit from choice or necessity. But the memorable case of Calas, a Calvinist, falsely accused at Toulouse of murdering his son, the alleged motive being to prevent him from becoming a Roman Catholic, and condemned and broken on the wheel, occurred in 1762, more than a century after the time when, according to Mr. Buckle, the reign of fanaticism and persecution was over and that of toleration established in France.

[1] Vol. i. p. 544.

Let us now see what are the consequences of such dealing with historical facts as Mr. Buckle's dealing with the affair which James I. called the Gowrie Conspiracy. The consequences are to furnish support to Mr. Buckle's opinion that the intellectual element in mankind is the predominant circumstance in determining their progress. Undoubtedly the intellectual element is a most important circumstance, but in the seventeenth century it was not the predominant one. In the seventeenth century the moral element, in the shape of Puritanism, was the predominant element; the element which supplied force enough to raise in England an armed insurrection, not merely against tyranny, but against vice, which had assumed in the high places of Europe a form and character that renewed in the modern world the old contest between the Hebrew[1] and Greek[2] religions.

[1] Genesis, xviii. xix.

[2] Plato, Νόμοι, A. The contrast between the Greek and Hebrew religions could not be more strongly brought out than by the fact that the vice which the Hebrew religion punished with 'fire from heaven,' and which Plato denounced, the Greek religion deified.

ESSAY II.

HOBBES.

READING over again lately Hobbes's 'Human Nature,' and his 'De Corpore Politico,' has not raised Hobbes intellectually or morally in my estimation. As the attacks on Hobbes were carried far beyond the bounds of truth and justice, so the vindications of him, even the most able of them—that by James Mill, in his 'Fragment on Mackintosh,' and that by John Austin in his 'Jurisprudence'—while they have done but justice to the power and originality of his mind, have, as it appears to me, given too favourable a view of his political philosophy. For instance, John Austin [1] attempts to show that Hobbes, like the French philosophers of the eighteenth century, who were styled the Economists, could not be an apologist of tyranny, if tyranny be synonymous with misrule, inasmuch as he maintains that good and stable government is impossible unless the fundamentals of political science be known by the bulk of the people. But this is much too favourable a version of what Hobbes really says; the sum of which is that subjects are to be taught not to desire change of government. In fact, all the political instruction Hobbes desired for the people merely amounted to as much as might make them quiet slaves. And the

[1] See the long note on Hobbes in Austin's 'Province of Jurisprudence Determined,' p. 296, *et seq.*: London, John Murray, 1832.

length to which he goes may be judged from the fact of his quoting to suit his purpose a passage of Scripture to prove that 'Kings are gods.'[1] How any man in the possession of his reason could come to the conclusion that the rulers of the seventeenth century, who certainly did not themselves know even the first rudiments of political science—unless the maxim 'qui nescit dissimulare nescit regnare,' and other similar maxims of the school of the Borgias, though Machiavelli has, unjustly perhaps, got the credit of them, be 'political science'—would put 'the bulk of the people' in the way of knowing 'the fundamentals of political science,' is a question more easily asked than answered.

Hobbes has built up his main edifice, namely a commonwealth, upon 'the consent of many men together,' or on what has been called 'original contract,' on grounds altogether false and unsound, on the 'sandy foundation of a fiction.' Now, as for the question of the laws of human nature, of what use can they be, even if a man has got at them, if the man then goes and constructs a complete system of political philosophy—a complete philosophy of politics in direct opposition to historical facts, to historical truth? If political philosophy is to be formed by the application of the laws of human nature to the explanation of history—which means of course historical facts, not historical fictions, as most history is—it is manifest that Hobbes could not, by the way he went to work with imaginary states of society, form a political philosophy worth the paper it was written on.

Before proceeding to point out some of the fundamental errors in Hobbes's political philosophy, it may be of use

[1] See Leviathan, part ii. chap. xxx. p. 177: London, 1651.

to attempt to show how it was possible for a man of so powerful an understanding as his to fall into such errors.

The case of Hobbes affords a remarkable instance in confirmation of the theory that the circumstances which have power to give permanent qualities to the mind may be traced to the very moment of birth, and some of them, on which effects of the greatest importance depend, beyond the birth of the human being. Hobbes is undoubtedly 'a great name in philosophy;' but he was not exempt from the general law of human nature, which makes the mind in a considerable degree dependent on the body. Hobbes was born on April 5, 1588; and he has told us himself that the effect of the rumours of the coming Spanish Armada, which was to make an end of the English nation, upon his mother's mind before his birth was such that she brought forth him and fear together.[1] In endeavouring to form an estimate of Hobbes's philosophy, it is important not to lose sight of the strange contrast between his intrepid intellect, which nothing could frighten from the pursuit of truth, and his constitutional timidity, which made him shrink from the idea of resistance to the temporal power; for resistance implied war, and that

[1] 'Fama ferebat enim diffusa per oppida nostra,
Extremum genti classe venire diem.
Atque metum tantum concepit tunc mea mater,
Ut pareret geminos, meque metumque simul.

Thomæ Hobbes Malmesburiensis Vita, carmine expressa. Authore seipso, Scripta anno 1672, London, 1681. 'The day of his birth,' says Aubrey, 'was April the fifth, A.D. 1588, on a Friday morning, which that year was Good Friday. His mother fell in labour with him upon the fright of the invasion of the Spaniards, he told me himself, between the hours of four and six.' Aubrey then says that his nativity was as 'I have it more exact from his own mouth, 5h. 2m. manè;' that his horoscope had in it a satellitium, and that 'it is a maxim in astrology that a native that hath a satellitium in his ascendant proves more eminent in his life than ordinary.'—*Aubrey's Lives*, vol. ii. pp. 598, 599.

which, says Hobbes, 'is worst of all, continual fear and danger of violent death.'[1] Hobbes has in another of his works spoken as strongly of death simply, as he does in the words above cited of violent death. For he says of avoiding that which is hurtful, 'but most of all, the terrible enemy of Nature, Death, from whom we expect both the loss of all power, and also the greatest of bodily pains in the losing.'[2]

The errors in Hobbes's political philosophy, which may seem strange in a man of his powerful understanding, may have arisen from his total want of any practical knowledge of politics, combined with his constitutional timidity. The latter quality seems to have led him into the following errors in his mental philosophy, which is, however, in general far more valuable than his philosophy of politics.

Hobbes says, 'Pity is imagination or fiction of future calamity to ourselves, proceeding from the sense of another man's calamity.'[3] 'Thus,' says Butler, 'fear and compassion would be the same idea, and a fearful and a compassionate man the same character, which everyone immediately sees are totally different. Further, to those who give any scope to their affections, there is no perception or inward feeling more universal than this; that one who has been merciful and compassionate throughout the course of his behaviour, should himself be treated with kindness, if he happens to fall into circumstances of distress. Is fear, then, or cowardice, so great a recommendation to the favour of the bulk of mankind? Or, is it

[1] Leviathan, part i. ch. xiii.

[2] De Corpore Politico, chap. i. § 6.

[3] Hobbes's Human Nature, ch. ix. § 10, p. 52; see also Leviathan, part i. ch. vi. p. 27.

not plain, that mere fearlessness (and therefore not the contrary) is one of the most popular qualifications? This shows that mankind are not affected towards compassion as fear, but as somewhat totally different.'[1]

If Hobbes had said that the remembrance of *past* calamity, rather than the fear of future, to ourselves, was the cause of our pity for the calamity of others, he would have been nearer the mark, and would have escaped the paradox that pity and cowardice might be expected to be found together, whereas it has been matter of common observation that cowardice and cruelty go together. There is a truer philosophy in Virgil's line: 'Haud ignara mali, miseris succurrere disco.' When I have felt oppression and cruelty, or hunger, thirst, and cold, I can enter into the sufferings of another whom I believe to feel them. A consequence of this definition of pity given by Hobbes is to confound our judgments of character, and in some degree to account for Hobbes's support of the Stuarts. According to Hobbes, Charles I. should have been a more humane man than Robert Bruce, because he was a less brave man. Yet while Robert Bruce would fight a battle under disadvantageous circumstances rather than leave a poor woman seized with the pains of labour to a savage enemy, Charles Stuart repeatedly showed a hard insensibility to the sufferings or the sorrows even of those about him.

Again, Hobbes says, 'Indignation is that grief which consisteth in the conception of good success happening to them whom they think unworthy thereof. Seeing therefore men think all those unworthy whom they hate, they

[1] Sermons preached at the Rolls Chapel, by Joseph Butler, LL.D., late Lord Bishop of Durham; Sermon V., *note*.

think them not only unworthy of the good fortune they have, but also of their own virtues.'[1]

Indignation is here quite misrepresented by Hobbes; for indignation is, according to the proper meaning of the term, excited by injustice, which is only another name for tyranny or oppression. Hobbes appears to reject altogether the idea of generous indignation, and he makes indignation synonymous with envy.

Hobbes gives the following strange explanation of the 'tears of reconciliation.' 'Men are apt to weep that prosecute revenge, when the revenge is suddenly stopt or frustrated by the repentance of their adversary; and such are the tears of reconciliation.'[2]

The following illustrations of pusillanimity are more favourable examples of Hobbes's characteristic manner, both of thought and expression.

'To be pleased or displeased with fame, true or false, is a sign of pusillanimity, because he that relieth on fame hath not his success in his own power. Likewise art and fallacy are signs of pusillanimity, because they depend not upon our own power, but the ignorance of others. Also proneness to anger, because it argueth difficulty of proceeding. Also ostentation of ancestors, because all men are more inclined to make show of their own power when they have it, than of another's. To laugh at others,

[1] Human Nature, p. 53. Hobbes adds, in illustration of the effects of what, as will be shown hereafter, he had a particular dislike to, eloquence: 'And of all the passions of the mind, these two, indignation and pity, are most raised and increased by eloquence: for the aggravation of the calamity and extenuation of the fault augmenteth pity; and the extenuation of the worth of the person, together with the magnifying of his success, which are the parts of an orator, are able to turn these two passions into fury.'

[2] Human Nature, p. 56.

because it is an affectation of glory from other men's infirmities, and not from any ability of their own.'[1]

Hobbes begins his speculation on government in his 'De Corpore Politico' and his 'Leviathan' by asserting, for he does not and cannot prove it, that men are by nature equal. Men are manifestly not equal by nature either in strength of body or in strength of mind, but are entitled to equal rights by good laws. From this alleged equality, Hobbes then deduces as a corollary 'a general diffidence in mankind, and mutual fear one of another.'[2] This is followed by much about what Hobbes calls the Laws of Nature, which occupies most of Part I. of the 'De Corpore Politico,' and in which there is much questionable logic, and more of dogmatism than either of originality or utility. In the thirteenth chapter of the

[1] Human Nature, p. 61. In a subsequent page (p. 65) Hobbes says:—'Both fancy and judgment are commonly comprehended under the name of *wit*, which seemeth to be a tenuity and agility of spirits, contrary to that restiness of the spirits supposed in those that are dull.' The word 'restiness' seems to be the same word as that given as 'restifness' in Johnson, who never cites Hobbes, a high authority for good English, but cites here and elsewhere 'King Charles,' that is Dr. Gauden, of whom Hume says that the 'Eikon Basilike' is 'so unlike the bombast, perplexed, rhetorical, corrupt style of Dr. Gauden, to whom it is ascribed, that no human testimony seems sufficient to convince us that he was the author,' although it is now proved, to the satisfaction of all who will be convinced by human testimony, to have been the production of Gauden. Moreover Johnson, instead of citing Hobbes, repeatedly cites Bramhall's attack on Hobbes, and brings Bramhall as an authority for words, such for example as 'appetible,' for which there is no other authority—Bramhall, who is so bad a writer that he could be no authority either for language or thought, and of whom Hobbes says 'for his elocution, the virtue whereof lieth not in the flux of words, but in perspicuity; it is the same language with that of the kingdom of darkness,' and is made up of 'nonsense divided' and of 'nonsense compounded.'—See 'The Question concerning Liberty, Necessity, and Chance, clearly stated and debated between Dr. Bramhall, Bishop of Derry, and Thomas Hobbes, of Malmesbury': London, 1656.

[2] De Corpore Politico, part i. chap. i, §§ 2, 3. Leviathan, part i. ch. xiii.

'Leviathan,' 'Of the natural condition of mankind,' the celebrated passage, ending with the words 'no arts, no letters, no society; and, which is worst of all, continual fear, and danger of violent death; and the life of man solitary, poor, nasty, brutish, and short,' is happily expressed; but the chapter might have begun with it; for what precedes, though connected with this passage by a 'therefore,' is false, and useless, since men are not by nature equal. Further, there needed not the paragraph immediately preceding to prove that savages are always in a state of war with their neighbours, and generally among themselves. But the materials in Hobbes's time for a knowledge of savage tribes were scanty, and often not authentic. Hobbes also dogmatises, too often as falsely as M. Comte.

Hobbes not finding this one maxim that government is founded on fear 'sufficient,' as Mr. John Stuart Mill observes, 'to carry him through the whole of his subject, was obliged to eke it out by the double sophism of an original contract. I call this a double sophism,' continues Mr. J. S. Mill, 'first as passing off a fiction for a fact, and secondly as assuming a practical principle or precept as the basis of a theory; which is a *petitio principii*, since every rule of conduct, even though it be so binding a one as the observance of a promise, must rest its own foundations upon the theory of the subject, and the theory therefore cannot rest upon it.'[1]

The three forms of government, monarchy, aristocracy and democracy—or four, if oligarchy be added as differing from aristocracy—Hobbes reduces to two thus. He says that the two words oligarchy and aristocracy 'signify the

[1] J. S. Mill's Logic, vol. ii. pp. 552, 553, 1st edition: London, 1843.

same thing, together with the divers passions of those that use them; for when the men that be in that office please they are called an aristocracy, or otherwise an oligarchy.'[1] And he further says that democracy and aristocracy 'are in effect but one, for democracy is but the government of a few orators.'[2] And in another place he says: 'In a multitude of speakers, where always either one is eminent alone, or a few being equal among themselves are eminent above the rest, that one or few must of necessity sway the whole; insomuch that a democracy in effect is no more than an aristocracy of orators, interrupted sometimes with the temporary monarchy of one orator.'[3]

Hobbes says that the *first* form of government *in order of time* is democracy.[4] This assertion, like that about the original contract, is in direct opposition to fact, and furnishes another proof of the value of historical truth, and that all true philosophy is the rationale of accurately observed facts. In savage tribes an absolute monarchy is generally found existing. But in a subsequent page he says that 'monarchy was instituted in the beginning from the creation, and that other governments have proceeded from the dissolution thereof, caused by the rebellious nature of mankind, and be but pieces of broken monarchy cemented by human wit,'[5] which is inconsistent with what he said before, making democracy *first in time.* He goes backwards and forwards as it suits him in the construction of his political philosophy; when facts are against him, going to fiction, and returning to fact or apparent fact when that seems to suit his purpose. He says that 'out of democracy the institution of a political

[1] De Corpore Politico, p. 150. [2] *Ibid.* p. 192.
[3] *Ibid.* p. 165. [4] *Ibid.* p. 162. [5] *Ibid.* p. 193.

monarch proceedeth by a decree, of the sovereign people, to pass the sovereignty to one man named and approved by plurality of suffrage.'[1]

This is a further example of Hobbes's mode of dealing with historical truth—falsifying history. He speaks as if the power passed from the many to one by *fair* means, whereas it is notorious that in all such cases as he here contemplates it has passed by *foul* means. And he also, as I have shown above, shifts his ground, sometimes speaking of monarchy formed out of an established democracy, sometimes of monarchy which is usually, if not always, found existing among savages; and sometimes he grounds his argument on the sophism of the original contract which forms a monarchy out of a democracy, sometimes on divine institution of 'monarchy in the beginning from the creation.' But the original contract is his favourite and stock argument. Whether those monarchies that existed lately in some parts of Africa were formed by original contract, or were instituted in the beginning from the creation, they were absolute enough to have satisfied Hobbes's utmost requirement as regarded both the absolute and unlimited dominion of the monarch, and the absolute and unlimited obedience of the subject. It is material to add that Hobbes goes farther than the preachers of passive obedience in England in the time of Charles I., who said, 'if princes command anything which subjects may not perform, because it is against the laws of God or of nature, or impossible, yet subjects are bound to undergo the punishment without either resistance or reviling, and so to yield a passive

[1] De Corpore Politico, p. 166.

obedience when they cannot exhibit an active one.'[1] Now Hobbes goes beyond this; for he deprives man of any appeal to the laws of God against the command of his king, saying, 'Since God speaketh not in these days to any man by his private interpretation of the Scriptures, nor by the interpretaion of any power above, or not depending on the sovereign power of every commonwealth, it remaineth that he speaketh by his Vice-gods, or lieutenants on earth, that is to say by sovereign kings.'[2]

I will here give, by way of illustration, an example of passive obedience and an example of active obedience, from the accounts given by credible and trusworthy witnesses of the government of the Zulu Kâfirs—a government which was precisely what Hobbes required, a pure monarchy—a monarchy in its purest and most unadulterated state, under which the subjects not only submitted to the most horrible caprices of the cruelty of their king, but accepted a cruel death from his orders, not only without resistance or reviling, but with expressions of thanks and eulogies of their king's greatness and goodness. The divine-right worshippers could desire nothing more perfect.

The following is the example of passive obedience. On one occasion Chaka, king of the Zulu Kâfirs, commanded a father to be the executioner of his own child. The man hesitated. 'Take him away,' said Chaka; 'let me see if loving his child better than his king will do him any good. See if your clubs are not harder than his head.'[3]

The following again is a case of active obedience. 'He

[1] See the Sermon of Sibthorpe, vicar of Brackley, in Rushworth, vol. i. p. 422; and Whitelock, p. 8. [2] De Corpore Politico, p. 229.

[3] Descriptive History of the Zulu Kâfirs, p. 23: London, 1853.

began by taking out several fine lads and ordering their own brothers to twist their necks.'[1]

And this king, whose power of dissimulation was on a level with that of Cæsar Borgia, while his cruelty was but little greater than the cruelty of Borgia, of Philip II., and of Charles IX., was, according to Hobbes, a Vice-god. Cæsar Borgia was of course a Vice-god. Philip II. was a Vice-god. Charles IX., Henry III., and James I. were all Vice-gods. Indeed James I. appears to have been an especial favourite with Hobbes, for he calls him 'our most wise king, King James.'[2] Hobbes appears to have studied King James's 'True Law of Free Monarchies,' and he even condescended to take a hint from his 'most sacred Majesty' on the art of mutilating Scripture to suit his purpose, as I will show presently.

I do not in the least dispute the doctrine so well elucidated by John Austin in his 'Province of Jurisprudence Determined,' who shows that it is asserted by renowned political writers of opposite parties—by Sidney as well as by Hobbes—that the power of a sovereign is incapable of legal limitation. But I altogether dispute the sophistry and the fictions put forward as facts by which Hobbes seeks to maintain his conclusion that monarchy, by which he means an unlimited government of one, is the best form of government; for I do not think that John Austin

[1] Travels in Eastern Africa by Nathaniel Isaacs, vol. i. p. 160, London, 1836. This king employed the *argumentum baculinum* on all occasions. On one of those mentioned by Mr. Isaacs, some of King Chaka's warriors having entered into an argument with his majesty, the royal logician settled the matter by killing eight of them. 'The cause of this,' adds Mr. Isaacs, 'I could not comprehend, neither could I elicit it from any of the natives.' Isaac's Travels in Eastern Africa, vol. i. p. 141. See also Captain King's (74th Highlanders) Campaigning in Kâfirland, in the years 1851-2.

[2] Leviathan, p. 101.

has succeeded in proving that Hobbes's principal purpose is not the defence of monarchy. Of the constitutional history of England Hobbes knew nothing, or very little; otherwise he would have known that in England, at least since the granting of Magna Charta, no English king was the sovereign of England. Consequently Hobbes, by styling the King of England the sovereign, makes an erroneous assertion, confounding kings, improperly styled sovereign, whose power is not only capable of legal limitation, but had been actually so limited, with kings or monarchs, properly styled sovereign, whose power is by the definition of the word sovereign incapable of legal limitation. Whether King Chaka belonged to the class of kings, properly called sovereign or not, it is beyond a question that King James I. did not belong to that class. Nevertheless James I. asserted that he did, and acted pretty much as if he did, as will appear from some of the essays in this volume; whence will also appear the consequences of giving the sovereign power to one man, who, as representative of the sovereign power, is, as Hobbes says, 'not to be resisted, and has a *universal impunity*.'[1] For, he adds, 'How can he be said to be subject to the laws which he may make or abrogate at his pleasure, or break without fear of punishment?'[2]

While in several of the essays in this volume will be shown the consequences of a *universal impunity* enjoyed by one man in a community, not for his great abilities, but from the accident of birth, in the essay entitled 'The Government of the Commonwealth and the Government of Cromwell' it will be shown that even when one man had by great abilities obtained possession of the sovereign

[1] De Corpore Politico, pp. 235, 236. [2] *Ibid.* p. 236

power, he did not make so able and judicious a use of it as a number of able men acting together as the executive of the sovereign government called the Commonwealth of England.

Hobbes asserts, or, as he says, he 'demonstrates,' 'that no pretence of sedition can be right or just.' He thence concludes that those who resist tyranny, whom he terms 'the authors of sedition,' 'must be ignorant of what conduceth to the good of the people; that they must think right that which is wrong, and profitable that which is pernicious.'[1] According to Hobbes's reasoning that *no* pretence of rebellion can be right or just, and that those who rebel are fools, Washington and Franklin were fools, as well as Pym and Hampden; and King John, Edward II., and Richard II., ought to have been let alone till they totally ruined and disgraced England. Hobbes seems also to have been quite insensible to the disgrace inflicted on England by James I.; and, in fact, cordially agreed with James in the 'peace at any price' doctrine. If Hobbes had possessed any considerable knowledge of history, he must have seen the practical absurdity of his doctrine; for he would have known that, among the Asiatic tyrannies, where there are no means of redress against intolerable oppression but rebellion, revolutions are of very frequent occurrence. So that the very thing proposed by Hobbes as the promoter of peace, quiet and security—namely, unlimited submission to a tyrant—produces the very reverse of what Hobbes demands; and, in fact, peace at any price means peace at no price; and those who hold such doctrine are like the Hebrew prophets who said 'Peace! peace!' when there was no peace.

[1] De Corpore Politico, p. 242.

Hobbes fancied that he had set the question of government at rest for ever; that he had analysed the whole nature of man and the constitution and properties of a body politic.[1] There is surely some arrogance in this imagination of Hobbes, though there is also much truth in James Mill's defence of him against the charge of arrogance, as far as that charge related to the boldness with which Hobbes refused to subject his mind to the dominion of Aristotle and of Catholicism. And yet the character given, according to Aubrey, by Hobbes to Aristotle's political philosophy, might almost be applied to his own. 'I have heard him say,' says Aubrey, 'that Aristotle was the worst teacher that ever was, the worst politician and ethick; a country fellow that could live in the world, as good; but his Rhetorique and his Discourse of Animals was rare.'[2]

Although Hobbes's organisation undoubtedly influenced to a considerable extent both his mental and his political philosophy, it would be extremely interesting to discover by what process of thought Hobbes arrived at the conclusion that, of all the possible forms of government, absolute monarchy is the best. I think that Hobbes arrived at this conclusion from a very imperfect analysis of the phenomena of the human mind, combined with a very imperfect knowledge or a partial use of the facts of history. Considering the state in which mental philosophy was when Hobbes began his investigations, it is rather surprising that he did so much than that he did not do more. I have given an example, in his explanation of pity, of his failure; and I will give in a subsequent page, in his analysis

[1] The last chapter of his De Corpore Politico thus begins: 'Thus far concerning the nature of man and the constitution and properties of a body politic.'

[2] Aubrey's Lives, vol. ii. p. 631, London, 1813.

of entities and essences, an example of his success in mental philosophy. With regard to his imperfect knowledge of, or unfair use of the facts of history, it will be observed that Hobbes mentions, in a passage which will be quoted from his 'Leviathan,' 'the fate of Socrates,' who was condemned to death by the Athenian democracy; but he says nothing of the fate of Callisthenes, a kinsman of Aristotle, who, by his free spoken censures and uncourtly habits, had offended Alexander, and was executed on a charge of having conspired with some Macedonian nobles to take away his life; nor of the fate of Seneca, which showed that philosophers were as liable to persecution and death from such absolute monarchs as Nero as from such democracies as the Athenian. There is a remarkable example, in his preface to his translation of the Iliad, of Hobbes's mode of dealing with evidence which told against his conclusions. 'None of the emperors of Rome,' he says, 'whom Tacitus or any other writer hath condemned, were ever heard to plead for themselves, which ought to be antecedent to condemnation.'

Having in several of these essays shown that what has been put forward as history is sometimes only romance, I cannot undertake to say that the statements of Tacitus and other writers respecting the Roman emperors can be proved by the sort of corroborative evidence which Hobbes here demands, namely, that these emperors were condemned after a full and fair trial before a competent tribunal. The corroborative evidence, however, which is wanting as regards ancient history, exists in sufficient abundance as regards modern history; and Hobbes, had he desired, could have satisfied his mind respecting the character of absolute monarchy by having recourse to the

materials which were even then accessible for a knowledge of the government of Philip II., of Catherine de' Medici, and her sons Charles IX. and Henry III. But though, in his mental philosophy, nothing could turn aside Hobbes from the pursuit of truth, in his political philosophy it would appear that Hobbes deliberately shut his eyes to the truth, at least to the paths that might have led to it. Why did Hobbes devote himself to the translation of Thucydides rather than to the translation of Tacitus? Hobbes appears to have been troubled with none of those doubts respecting the vices of the Athenian democracy recorded by Thucydides, which he brings forward to throw discredit on Tacitus. Tacitus was quite as trustworthy as Thucydides, and had as good means of being correctly informed as to the vices and crimes of the Roman emperors as Thucydides had of being correctly informed as to the vices and crimes of the Athenian democracy.

But Hobbes went still further, for in his 'Leviathan' he quotes a passage of Scripture in even a more mutilated shape than King James does in his 'True Law of Free Monarchies.' Hobbes's dishonesty in this matter equals that of any of the 'fine theocratic natures' whom he himself has so mercilessly exposed, and whom M. Comte so unboundedly admires. After quoting the verses of 1 Samuel viii. from the 11th to the 17th, Hobbes thus proceeds: 'This is absolute power, and summed up in the last words, *Ye shall be his servant.*'[1] Then, taking care to leave out the 19th verse, which is, 'Nevertheless the people refused to obey the voice of Samuel; and they said, Nay, but we will have a king to reign over us,' Hobbes goes on thus:—'When the people heard what

[1] The italics are in the original.

power their king was to have, yet they consented thereto, and said thus, *We will be as other nations, and our king shall judge our causes, and go before us to conduct our wars.* Here is confirmed the right that sovereigns have both to the *militia*, and to all judicature, in which is contained as absolute power as one man can possibly transmit to another.'[1] This a strange process of reasoning. In the first place, the voice of the Jewish multitude is quoted as if it were the voice of God, although the context very distinctly declares the contrary. In the second place, the Jewish people might choose to be governed by an absolute king without that furnishing any argument whatever, either for the divinity of the institution or for its being adopted by other nations.

Hobbes's mind would seem to have been influenced a good deal in its conclusions on this subject by dwelling more on the evils of popular assemblies than on those of absolute monarchies. It is true he has not overlooked the fact that flatterers serve the same purpose with absolute monarchs that orators do with popular assemblies.[2] While the flatterers of King James I. told him that he was more than man in wisdom, in learning, in virtue, in benevolence, those who are either prime ministers or aim at being so tell the assembled members of the House of Commons that they 'are all men of great intelligence.' And a late prime minister, who ventured to hint a doubt of their being all men of great intelligence, was turned out of his post by them in a very short time.

In judging of Hobbes's estimate of the influence of flatterers on monarchs, as compared with the influence of orators on popular assemblies, some special circumstances

[1] Leviathan, p. 105, folio, London, 1651. [2] *Ibid.* p. 96.

are to be taken into account. Hobbes had not suffered from the evil influence of such flatterers of monarchs as Wolsey, Leicester, Somerset and Buckingham, however much others may have suffered thereby; and he had himself enjoyed some of the advantages accruing to such flatterers, inasmuch as having been Charles the Second's tutor in mathematics, he had become a favourite with that prince, who relished his conversation, kept his picture in his closet at Whitehall, and more than that not only allowed him a pension of 100*l.* a year, but actually paid it. Moreover, what Aubrey relates on this point shows that Hobbes was wanting in the sort of faculty which makes what is called 'good debaters.' 'It happened,' says Aubrey, 'about two or three days after his Majesty's happy return, that as he was passing in his coach through the Strand, Mr. Hobbes was standing at Little Salisbury-house gate (where his lord [1] then lived), the king espied him, put off his hat very kindly to him, and asked him how he did. About a week after, he had oral conference with his Majesty and Mr. S. Cowper, where, as he [the king] sat for his picture, he was diverted by Mr. Hobbes's pleasant discourse. Here his Majesty's favours were redintegrated to him, and order was given that he should have free access to his Majesty, who was always much delighted in his wit and smart repartees. The wits at Court were wont to bait him; but he would make his part good, and feared none of them. The king would

[1] Hobbes, when he had taken his degree of B.A., was recommended by the Principal of Magdalen Hall, Oxford, as private tutor to the son of Lord Cavendish of Hardwicke, created Earl of Devonshire in 1618. Three years after the death of Hobbes's pupil, the second Earl of Devonshire, namely in 1631, Hobbes, at the request of the Dowager Countess of Devonshire, undertook the education of the young earl, who was then only thirteen, and he then remained in that family till his death in 1679, in his ninety-second year.

call him the bear: 'Here comes the bear to be baited.' He was marvellous happy and ready in his replies, and that without rancour (except provoked); but now I speak of his readiness in replies as to wit and drollery. He would say that he did not care to give, neither was he adroit at, a present answer to a serious *quære*; he had as lieve they should have expected an extemporary solution to an arithmetrical problem, for he turned, and *winded*, and compounded in philosophy, politics, &c., as if he had been at mathematical work; he always avoided, as much as he could, to conclude hastily.'[1]

While, then, Hobbes had not been galled personally by the Wolseys, the Leicesters, the Somersets and the Buckinghams, and had hardly taken a correct measure of the amount of the evil they might inflict upon mankind, the nature of his mind led him to see with extraordinary clearness the evils likely to be produced by orators; and the Eliots, the Pyms, the Vanes, appeared to him quite as pernicious as the Cliffords and the Shaftesburys. And though a popular modern writer has applied only to Shaftesbury the attributes of 'front of brass and tongue of poison,' it is probable that Hobbes might have thought that expression applicable not only to the orators abovenamed but also to Strafford and Clarendon. Whether Hobbes is justly to be styled arrogant or not, he had sufficient consciousness of his own mental power, and he must have felt keenly the vast difference between his own intellect and that of Clarendon, as well as the vast differrence between his own social position and that of the adroit rhetorician.[2]

[1] Aubrey's Lives, vol. ii. pp. 611, 612: London, 1813.

[2] It seems not immaterial to add that Hobbes's friend Sidney Godolphin, who was killed in 1642, and to whose brother he dedicated his Leviathan,

It may be observed that some of the chief evils imputed by Hobbes to the influence of oratory on popular assemblies are at least diminished by the publication of the debates and the discussion of them by a free press. Hobbes says 'the passions of men, which asunder are moderate, as the heat of one brand, in an assembly are like many brands, that enflame one another (especially when they blow one another with orations) to the setting of the commonwealth on fire, under pretence of counselling it. . . . . Besides, there cannot be an assembly of many, called together for advice, wherein there be not some that have the ambition to be thought eloquent, and also learned in the politiques; and give not their advice with care of the business propounded, but of the applause of their motley [1] orations, made of the divers coloured threds or shreds of authors; which is an impertinence at least, that takes away the time of serious consultation, and in the secret way of counselling apart, is easily avoided.' [2] Hobbes therefore concludes that it is better to hear

though a member of the Long Parliament, does not appear to have ever spoken—at least there is no record of any speech of his. And yet in the opinion of Hobbes (and Clarendon confirms Hobbes) Sidney Godolphin was a most accomplished man; though he was a silent member of the Long Parliament, and has left no other memorial of his name but the eulogy of Hobbes and Clarendon. Clarendon's character of him is well known. Hobbes's character of him, as it is little known, and is even more striking than that of Clarendon, I will quote here:—'I have known,' says Hobbes, 'clearness of judgment and largeness of fancy, strength of reason and graceful elocution, a courage for the war and a fear for the laws, and all eminently in one man; and that was my most noble and honoured friend Mr. Sidney Godolphin, who, hating no man, nor hated of any, was unfortunately slain in the beginning of the late civil war, in the public quarrel, by an undiscerned and an undiscerning hand.'—*Leviathan*, p. 390.

[1] What Hobbes means by 'motley orations made of the divers coloured threds or shreds of authors' will be found explained in Hobbes's most characteristic manner in a passage in the 'conclusion' of his Leviathan, part of which is quoted in note 3, *post*, p. 80.

[2] Leviathan, p. 135.

counsellors apart, when they cannot blow one another with orations.[1] But though Hobbes saw clearly the evils of 'blowing one another with orations,' he did not see so clearly the evils of secrecy or the advantages of publicity.

Hobbes, I think, must have entertained some doubts as to the correctness of his conclusions in favour of absolute monarchy, in saying that if it had been contrary to any man's dominion that the three angles of a triangle should be equal to two right angles, that doctrine would have been, if not disputed, yet, by the burning of all books of geometry, suppressed, as far as he whom it concerned was able.'[2] This remark lets out Hobbes's real opinion that the rulers of the world, who were then almost all of the monarchical type, valued truth at nothing, when the question was between truth and their dominion over mankind. I think it might have occurred to Hobbes that whatever other disadvantages might attend governments where men are addicted to the vice of 'blowing one another with orations,' there would at least be a little more difficulty in suppressing doctrines which were at once true and disagreeable or dangerous to men in power.

There is a remarkable illustration, where it would

[1] Leviathan, p. 135.

[2] Leviathan, p. 50. It is in the same passage that Hobbes uses the words so often quoted that men 'set themselves against reason, as oft as reason is against them;' and also uses an illustration from the correction of children, which is similar to Bentham's humorous description of a rule of common law. 'When a man,' says Bentham, 'has a dog to teach, he falls upon him and beats him; the animal takes note in his own mind of the circumstances in which he has been beaten, and the intimation thus received becomes, in the mind of the dog, a rule of common law.'—*Bentham's Rationale of Judicial Evidence*, vol. ii. p. 475. It ought to be added that Hobbes had before used the words 'as oft as reason is against a man, so oft will a man be against reason' in the Dedication of his Human Nature to William, Earl of Newcastle, dated May 9, 1640.

hardly have been expected to be found, of Hobbes's remark as to the tendency of men in power to suppress even scientific truths which might be disagreeable to them. The story, I believe, first appeared in print in the article 'Sir John Pringle' in the Penny Cyclopædia, having been suppressed in deference to royalty, though it was current at the time among the members of the Royal Society, and there is no doubt of its truth. Dr. Hutton thus alludes to it in his 'Mathematical Dictionary':—'The resolution of Sir John Pringle' [who was then president of the Royal Society] 'to quit the chair originated from the disputes introduced into the Society concerning the question whether pointed or blunt electrial conductors were the more efficacious, and from the cruel circumstances attending those disputes. These drove him from the chair. Such of those circumstances as were open and manifest to everyone were even of themselves perhaps quite sufficient to drive him to that resolution. But there were yet others of a more private nature which operated still more powerfully and directly to produce that event, which may probably be hereafter laid before the public.' The circumstances 'of a more private nature' were for the first time, as above mentioned, thus related in the article 'Sir John Pringle' in the Penny Cyclopædia.

'About the year 1778 a dispute arose among the members of the Royal Society relative to the form which should be given to electrical conductors so as to render them most efficacious in protecting buildings from the destructive effects of lightning. Franklin had previously recommended the use of points, and the propriety of this recommendation had been acknowledged and sanctioned by the Society at large. But after the breaking

out of the American revolution, Franklin was no longer regarded by many of the members in any other light than an enemy of England, and as such it appears to have been regugnant to their feelings to act otherwise than in disparagement of his scientific discoveries. Among this number was their patron George III., who, on its being proposed to substitute knobs instead of points, requested that Sir John Pringle would likewise advocate their introduction. The latter hinted that the laws of nature were unalterable at royal pleasure; whereupon it was intimated to him that a president of the Royal Society entertaining such an opinion ought to resign, and he resigned accordingly.'

Hobbes's conclusion in regard to the members of such an assembly as the English parliament, that it is better to hear them apart, when they cannot blow or inflame one another with orations, shows that he did not possess an accurate idea of the proper functions of representative bodies. And as opinions similar to this of Hobbes have been put forward in recent times, I will quote Mr. J. S. Mill's answer to them.

'Representative assemblies are often taunted by their enemies with being places of mere talk and *bavardage*. There has seldom been more misplaced derision. I know not how a representative assembly can more usefully employ itself than in talk, when the subject of talk is the great public interests of the country, and every sentence of it represents the opinion either of some important body of persons in the nation, or of an individual in whom such body have reposed their confidence. A place where every interest and shade of opinion in the country can have its cause even passionately pleaded in

the face of the government and of all other interests and opinions, can compel them to listen, and either comply or state clearly why they do not, is in itself, if it answered no other purpose, one of the most important political institutions that can exist anywhere, and one of the foremost benefits of a free government.'[1]

The uses of talk, however, are limited, and do not comprehend the business of legislation any more than that of administration. 'If,' says Mr. Mill, 'that, as yet considerable, majority of the House of Commons who never desire to move an amendment or make a speech, would no longer leave the whole regulation of business to those who do; if they would bethink themselves that better qualifications for legislation exist, and may be found if sought for, than a fluent tongue, and the faculty of getting elected by a constituency; it would soon be recognised, that in legislation as well as administration, the only task to which a representative assembly can possibly be competent, is not that of doing the work, but of causing it to be done; of determining to whom or to what sort of people it shall be confided, and giving or withholding the national sanction when it is performed.'[2]

Hobbes saw that a fluent tongue and the faculty of being elected by a constituency were poor qualifications for legislation; but he did not see, or did not choose to see, the use of a fluent tongue in pleading even passionately before the parliament, as the nation's Committee of Grievances, the cause of those who had been the victims of the tyranny of Charles, or Laud, or Strafford.

[1] Considerations on Representative Government, by John Stuart Mill, p. 105, London, 1861.

[2] *Ibid.* p. 100.

Nevertheless, and when all has been said that can be said against the political philosophy of Hobbes, 'Hobbes is a great name in philosophy, on account both of the value of what he taught and the extraordinary impulse which he communicated to the spirit of free inquiry in Europe.'[1]

At the beginning of the seventeenth century the human mind was in a state of slavish subjection, throughout the greater part of Europe, to Aristotle and Catholicism; in England, if not to Catholicism, to Aristotle. 'A series of dogmas handed down by authority were passively received, and the very idea of inquiring into the foundation of them seemed to have passed away from the minds of men. Even the great effort of Bacon, to point the views of men to the proper object of physical inquiry, had not yet produced any considerable effects. With respect to the mental and political sciences, they were hardly regarded as objects of inquiry. The opinions of Aristotle were taught as a branch of education, and the possession of them in the memory were all that even the most instructed men imagined they had any occasion to desire.'[2] M. Comte has a happy illustration with respect to the effect of algebra and the calculus *now* which will help to explain the effects of the syllogism *then*. After quoting Lagrange, as saying respecting the general solution of algebraic equations of any degree whatever, 'It is one of those problems whose general solution we cannot hope for,'[3] and saying himself 'We

[1] James Mill's Fragment on Mackintosh, p. 19, London, 1835.

[2] *Ibid.* pp. 19, 20, London, 1835.

[3] Comte, i. 79. I quote from Miss Martineau's translation, entitled The Positive Philosophy of Auguste Comte, freely translated and condensed by Harriet Martineau; in 2 vols. London, 1853.

must admit, however, that our actual knowledge obtained under this theory (D'Alembert's principle of the motion of a system of bodies) is extremely imperfect, owing to *insurmountable* difficulties in the *integrations* required,'[1] M. Comte describes as analogous the effect of the exclusive employment of a human brain in resolving equations and in making pins' heads.[2] If solving equations be analogous to making pins' heads, the performance of syllogistic gymnastics may be regarded as, if possible, an operation still less demanding any exertion of thought: and whatever value be attached to what Hobbes taught, I would say of him that with regard to the mental and political sciences, in which Bacon had done nothing, Hobbes was the first man for twenty centuries who dared to think.

A striking confirmation of the justness of the term 'Aristotelity,'[3] applied by Hobbes to describe the philosophy of the beginning of the seventeenth century, is furnished by the fact, that when Scheiner the Jesuit—one of those, Galileo being another, who were the first to observe the solar spots[4]—communicated, as he was bound to do, his discovery to the Provincial of the order of Jesuits, that functionary refused to believe in the solar spots, and even to look through Scheiner's telescope at

[1] Comte, i. 131. [2] *Ibid.* ii. 144.

[3] 'Since the authority of Aristotle is only current there, that study [viz. of philosophy in the schools] is not properly philosophy (the nature whereof dependeth not on authors), but Aristotelity.'—*Hobbes's Leviathan*, part iv. chap. xlvi. p. 370.

[4] It appears that Thomas Harriot had discovered the solar spots before any mention had been made of them by Galileo, Scheiner, or Phrysius; also that the satellites of Jupiter were observed by Harriot, January 16, 1610, although their first discovery is generally attributed to Galileo, who states that he had observed them on the 7th of that month.—*Penny Cyclopædia*, art. 'Harriot, Thomas.'

them, saying that he had read Aristotle's writings from end to end many times, and had nowhere found in them anything like what Scheiner mentioned, and that the appearances he took for spots were the faults of his glasses or of his eyes, if not the effect of a disordered imagination. When such was the condition of the human mind, it is not surprising that a man like Hobbes, who looked at nature through his own eyes and not through those of Aristotle, should say, as Aubrey has reported, 'that if he had read as much as other men, he should have continued still as ignorant as other men.'[1] Neither is it surprising that Hobbes should have incurred the charge of arrogance by the boldness with which he refused to subject his mind to the dominion of Aristotle and of Catholicism; for, as Hobbes says, the study of his philosophy in the schools 'had no otherwise place than as a handmaid to the Roman religion.'[2]

Hobbes has been in recent times most ably defended from this charge of arrogance by a writer who resembles him in some of the best features of his writing, in the clearness, conciseness, and simplicity of the style, and in the boldness and originality of the tone of thought. 'The mind of Hobbes,' says the writer referred to, 'was a mind of perfect simplicity and truth. What was his thought he set down as his thought, directly and clearly.[3]

[1] Aubrey's Lives, vol. ii. p. 621, London, 1813.

[2] Leviathan, part iv. chap. xlvi. p. 370.

[3] Hobbes has thus modestly expressed his own opinion of his style:—'There is nothing I distrust more than my elocution, which nevertheless I am confident (excepting the mischances of the press) is not obscure.'—*Leviathan*, p. 394. Among the reasons Hobbes there gives for having 'neglected the ornament of quoting ancient poets, orators, and philosophers, contrary to the custom of late time,' are these:—'Such opinions as are taken only upon credit of antiquity, are not intrinsically the judgment of those that

. . . The man who looks at opinions through the reasons of them, when he arrives at a truth which he sees to be founded on evidence, and publishes because he believes it important, is not for that reason arrogant; he is only public-spirited and brave. . . . The spirit of simplicity and sincerity with which a great mind delivers its thoughts to others in the very shape in which it holds them, without the affectation of a thousand apologies for the impudence of differing a hair's breadth from those who had never thought upon the subject, is charged upon Hobbes as the arrogance of one who despises mankind. It is clear and conclusive evidence of the contrary.'[1]

Hobbes has stated, at the end of the fifth chapter of his 'Treatise of Human Nature,' the view he took of the most urgent intellectual wants of his time, and of the best mode of supplying those wants.

'As the invention of names hath been necessary for drawing men out of ignorance, by calling to their remembrance the necessary coherence of one conception to another, so also hath it on the other side precipitated men into errour, insomuch, that whereas, by the benefit of words and ratiocination they exceed brute beasts in

cite them, but words that pass (like gaping) from mouth to mouth. It is many times with a fraudulent design that men stick their corrupt doctrine with the cloves of other men's wit. I find not that the ancients they cite took it for an ornament, to do the like with those that wrote before them. It is an argument of indigestion when Greek and Latin sentences unchewed come up again, as they use to do, unchanged. Lastly, though I reverence those men of ancient time, that either have written truth perspicuously, or set us in any better way to find it out ourselves; yet to the antiquity itself I think nothing due, for if we will reverence the age, the present is the oldest. . . . If it be well considered, the praise of ancient authors proceeds not from the reverence of the dead, but from the competition and mutual envy of the living.'—*Leviathan*, pp. 394, 395.

[1] James Mill's Fragment on Mackintosh, pp. 27, 31, 32, 33.

knowledge, and the commodities that accompany the same, so they exceed them also in errour, for *true* and *false* are things not incident to beasts, because they adhere not to propositions and language, nor have they ratiocination, whereby to multiply one untruth by another, as men have.[1]

'It is the nature almost of every corporal thing, being often moved in one and the same manner, to receive continually a greater and greater easiness and aptitude to the same motion, insomuch as in time the same becometh so habitual, that, to beget it, there needs no more than to begin it. The passions of men, as they are the beginning of voluntary motions, so are they the beginning of speech, which is the motion of the tongue. And men desiring to show others the knowledge, opinions, conceptions, and passions which are in themselves, and to that end having invented language, have by that means transferred all that discursion of their mind mentioned in the former chapter, by the motion of their tongues into discourse of words, and *ratio* now is but *oratio*, for the most part, wherein custom hath so great a power, that the mind suggesteth only the first word; the rest follow habitually, and are not followed by the mind, as it is with beggars when they say their *Paternoster;* putting together such words and in such

[1] In the Leviathan, published about ten years after the Treatise of Human Nature, Hobbes has expanded what is here said of names or language, and uses the words often quoted:—'As men abound in copiousness of language, so they become more wise or more mad than ordinary. Nor is it possible without letters for any man to become either excellently wise or (unless his memory be hurt by disease, or ill constitution of organs) excellently foolish. For words are wise men's counters; they do but reckon by them; but they are the money of fools that value them by the authority of an Aristotle, a Cicero, or a Thomas, or any other Doctor whatsoever, if but a man.'—*Leviathan*, part i. chap. iv. p. 15.

manner as in their education they have learned from their nurses, from their companies, or from their teachers, having no images or conceptions in their mind answering to the words they speak; and as they have learned themselves, so they teach posterity. Now, if we consider the power of those deceptions of the sense, mentioned chap. II. section 10, and also how unconstantly names have been settled, and how subject they are to equivocation, and how diversified by passion (scarce two men agreeing what is to be called good and what evil, what liberality, what prodigality, what valour, what temerity), and how subject men are to paralogism or fallacy in reasoning, I may in a manner conclude that it is impossible to rectify so many errors of any one man, as must needs proceed from those causes, without beginning anew from the very first grounds of all our knowledge and sense; and instead of books reading over orderly one's own conceptions, in which meaning I take *Nosce teipsum* for a precept worthy the reputation it hath gotten.'[1]

The second chapter of Hobbes's 'Human Nature' seems to contain the germ of all that is now established respecting our knowledge of the external world. In the second section of the fourth chapter of his 'Human Nature' Hobbes explained for the first time 'the cause of coherence of thoughts,' or of the *association of ideas*, a name which has been commonly used since the time of Locke; though Locke only noticed the accidental rather than the general phenomena of the sequence in the train of ideas. The subject was carried farther than Hobbes had carried it by Hume, by Hartley, and by James Mill,

[1] Hobbes has repeated the substance of this passage in the introduction to the Leviathan.

who applied the analysis to the more complex phenomena, which Hartley had not succeeded in explaining.

The justness of James Mill's remark, that 'Hobbes is a great name in philosophy,' appears, when we consider not only how much Hobbes did, but the 'benumbed and torpid state of the human mind' when he began his labours. If there had been a succession of such minds as Hobbes's, mental philosophy would have been in a very different state from that in which it is. It may be mentioned that the latest investigators of psychological science bear witness to the sagacity of Hobbes. Thus Mr. John Stuart Mill says, 'That all knowledge is of things plural and different; that a thing is only known to us by being known as different from something else, is one of the profound psychological observations which the world owes to Hobbes.'[1]

The two great discoveries of Hobbes, the association of ideas, that is, that the order of the ideas follows the order of the sensations, and the exposure of the 'entities' and 'essences' of the ancient philosophers, justly entitle Hobbes to the character James Mill has bestowed on him, namely, of a man 'who saw so much further into the texture of human thought than all who had gone before him.'[2] In his essay on education James Mill has given a succinct but clear account of Hobbes's discovery; and he has shown that of the three laws of association of ideas pointed out by Hume—resemblance, contiguity in time and place, and cause and effect—the last, the sequence according to cause and effect, was very distinctly conceived, and even the cause of it explained by Hobbes.

[1] Mr. J. S. Mill's Examination of Sir William Hamilton's Philosophy, p. 61, 3rd edition, London, 1867.

[2] James Mill's Essay on Education.

And in another of his works James Mill has an important remark in connection with Hobbes as the founder of the analytical school of mental philosophy. 'It is also but fair,' he says, 'to Hobbes to remember that, though he was the first to descry the instrument of analysis, he made but little progress in the use of it, and rather divined the results than traced them.'[1]

What Hobbes has done on the subject of 'essences' and 'entities' is so important and so little known, that I will transcribe the passage:—

'Now to descend to the particular tenets of vain philosophy derived to the universities, and thence into the Church, partly from Aristotle, partly from blindness of understanding, I shall first consider their principles.' Hobbes then, after a sentence about what he calls *philosophia prima*, proceeds to say that the explication of certain terms 'is commonly in the schools called *metaphysics*, as being a part of the philosophy of Aristotle, which hath that for title: but it is in another sense; for there (that is in the works of Aristotle) it signifieth as much, as *books written or placed after his natural philosophy.*'[2] But the schools take them for *books of supernatural philosophy:* for the word *metaphysics* will bear both these senses. And, indeed, that which is there written is, for the most part, so far from the possibility of being understood, and so repugnant to natural reason, that whosoever thinketh there is anything to be understood by it must needs think it supernatural. From these metaphysics, which are mingled with the Scripture to make school divinity, we are told, there be in the

[1] James Mill's Fragment on Mackintosh, p. 48.

[2] The italics in this quotation are all copied from the original.

world certain essences separated from bodies, which they call *abstract essences* and *snbstantial forms:* for the interpreting of which *jargon* there is need of somewhat more than ordinary attention in this place. . . . To know upon what grounds they say there be *essences abstract* or *substantial forms*, we are to consider what those words do properly signify. The use of words is to register to ourselves, and make manifest to others, the thoughts and conceptions of our minds. Of which words some are the names of the things conceived; as the names of all sorts of bodies, that work upon the senses, and leave an impression in the imagination. Others are the names of the impressions in the imagination themselves; that is to say, of those ideas or mental images we have of all things we see or remember. And others, again, are names of names;[1] or different sorts of speech: as *universal*,[2] *plural*, *singular*, are the names of names; and *definition*, *affirmation*, *negation*, *true*, *false*, *syllogism*, *interrogation*, *promise*, *covenant*, are the names of certain forms of speech. Others serve to show the consequence or repugnance of one name to another; as when one saith, *a man is a body*, he intendeth that the name of *body* is necessarily consequent to the name of *man*, as being but several names of the same thing, *man;* which consequence is signified by coupling them together with the word *is*. And as we use the verb *Is*, so the Latins use the

[1] Compare with this the section on 'Names of Names' in James Mill's Analysis, vol. ii. pp. 3–5.

[2] 'It is very easy to see that the word "universal," for example, is not a name of a *thing*. Things are all individual, not general. The *name* "man" is a "universal," because it applies to every individual of a class; for the same reason the *name* "ox," the *name* "horse," the *name* "dog," and so on, are universals.'—*Mill's Analysis*, ii. 4.

verb *Est*, and the Greeks ἐστί through all its declinations. Whether all other nations of the world have in their several languages a word that answereth to it or not I cannot tell; but I am sure they have not need of it: for the placing of two names in order may serve to signify their consequence, if it were the custom (for custom is it that gives words their force), as well as the words *Is*, or *Be*, or *Are*, and the like.

'And if it were so, that there were a language[1] without any verb answerable to *Est* or *Is;* yet the men that used it would be not a jot the less capable of inferring, concluding, and of all kind of reasoning, than were the Greeks and Latins. But what, then, would become of these terms: of *Entity*, *Essence*, *Essential*, *Essentiality*, that are derived from it, and of many more that depend on these applied, as most commonly they are? They are, therefore, no names of things, but signs: by which we make known that we conceive the consequence of one name or attribute to another: as when we say, *a man is a living body*, we mean not that the *man* is one thing, the *living body* another, and the *Is* or *being* a third; but that the *man* and the *living body* are the same thing.'[2]

This ambiguity of the *copula* which, from the verb

[1] Hobbes has expressed himself to the same effect in his Computatio sive Logica, cap. 3, § 2.

[2] Hobbes's Leviathan, part iv. chap. xlvi. pp. 371, 372, London, 1651. Hobbes has treated the same subject more shortly in his Latin work entitled Computatio sive Logica, cap. 3, § 4, where he exposes the source whence 'originem trahunt quorundam metaphysicorum crassi errores' in attributing to properties an existence separate from the substance which manifests them; which M. Comte asserts to be 'the essential character of metaphysical conceptions.' Hobbes there treats the errors of some metaphysicians as severely as M. Comte. But Hobbes, being himself a metaphysician, did not say, as M. Comte says, that *all*, but only that *some*, metaphysicians fall into these errors. Hobbes there says of the abuse of the copula:—'Etiam confusio illa vocum a verbo *est* derivatarum, ut *essentia, essentialitas, entitas, enti-*

denoting *existence* being employed for the purpose above described by Hobbes, has given rise to legions of *entities* and *essences*, and, as a consequence, to a vast mass of futile speculation, having been thus first exposed by Hobbes, has since been more fully developed by James Mill, in his 'Analysis of the Phenomena of the Human Mind.'[1]

It seems tolerably clear that if Locke had taken the trouble to read this passage of Hobbes, it might have saved himself the trouble of writing a good many tedious sections of his 'Essay concerning Human Understanding,' and the world the trouble of trying to understand those sections. For I think it probable that the disgust which would naturally be excited in Locke by the monstrous fictions put forth by Hobbes as historical facts and the fabric of sophistry constructed thereon as a complete system of political philosophy, would deter Locke from examining with due care Hobbes's mental philosophy, and perhaps from even once reading it.

No one can carefully compare the passages I have quoted from Hobbes and the passages in James Mill's 'Analysis' to which I have referred, with M. Comte's talk about the 'inquisition into the essence of things always characterizing the infancy of the human mind;' and about 'the essential character of metaphysical conceptions being to attribute to properties an existence separate from the substance which manifests them,' without seeing that M. Comte does not well know what he means either by 'the infancy of the human mind,' or by 'metaphysical con-

tativum, et *realitas*, *aliquidditas*, *quidditas*, quæ apud gentes quibus copulatio non fit per verbum *est*, sed per verba adjectiva ut *currit*, *legit*, &c., vel per meram nominum collocationem audiri non potuissent, quibus tamen gentibus, cum philosophari ut cæteræ possunt, non sunt necessariæ eæ voces, essentia, entitas, omnisque illa barbaries ad philosophiam.'

[1] Vol. i. pp. 126–130, 1st edition, London, 1829.

ceptions.' I do not think that the human mind can be accurately said to have been in its infancy, as it was represented by the minds of Plato and Aristotle. Plato and Aristotle fell into many errors from overlooking this double meaning of the words *to be*. Whether that arose from their knowing no language but their own may perhaps be doubted, when we take into consideration the sagacious remark of Hobbes quoted above: 'Whether all other nations have a word that answereth to it, or not, I cannot tell, but I am sure they have no need of it, for the placing of two names in order may serve to signify their consequence.'[1] Yet to talk of the infancy of the human mind in connection with Plato and Aristotle is as if the stoker of a modern steam-engine were to talk of Archimedes as an intellectual infant when compared to himself. 'The fog,' to borrow the words of a great thinker, 'which rose from this narrow spot' [the words *to be*] 'diffused itself at an early period over the whole surface of metaphysics. Yet it becomes us not to triumph over the gigantic intellects of Plato and Aristotle because we are now able to preserve ourselves from many errors into which they, perhaps inevitably, fell.'[2]

[1] Leviathan, part iv. chap. xlvi. p. 372, London, 1651.

[2] J. S. Mill's Logic, vol. i. p. 104, 1st edition, London, 1843. From the words used by Mr. J. S. Mill in the following page, 'The quantity of futile speculation which had been caused by a misapprehension of the nature of the copula was hinted at by Hobbes,' it might be inferred that Mr. Mill was thinking of Hobbes's Logic, where he has treated the subject much more shortly than in the fourth part of his Leviathan. What Hobbes says in the Leviathan amounts to something very much more than a *hint*. It seems probable enough that Locke had not read Hobbes. But without charging Locke with having been 'an unworthy plagiarist,' and even admitting that his speculations appear to have been wrought out from the materials of his own mind, I think that Hobbes's exposition of the vast amount of confusion caused by the misapprehension of the copula may go far to counterbalance his erroneous or imperfect view of propositions.—See *J. S. Mill's*

I will give one more passage from Hobbes, to show to what use he applied his analysis of those 'entities' of the old philosophers which M. Comte calls 'metaphysical conceptions,' and treats as if they constituted the science of modern metaphysics; whereas that science really is the science of mental anatomy—a science of which M. Comte knows nothing, and would substitute for it the so-called science of phrenology.

'But to what purpose (may some man say) is such subtilty in a work of this nature' [his Leviathan], 'where I pretend to nothing but what is necessary to the doctrine of government and obedience? It is to this purpose: that men may no longer suffer themselves to be abused by them, that by this doctrine of *separated essences*,[1] built on the vain philosophy of Aristotle, would fright them from obeying the laws of their country, with empty names; as men fright birds from the corn with an empty doublet, a hat, and a crooked stick. For it is upon this ground, that when a man is dead and buried, they say his soul (that is his life) can walk separated from his body, and is seen by night amongst the graves. Upon the same ground they say, that the figure and colour and taste of a piece of bread has a being, there, where they say there is

Logic, book i. chaps. v. and vi. Mr. J. S. Mill says (Logic, i. 154, 1st ed.), 'Nor is anything wanting to render the third book of Locke's essay a nearly perfect treatise on the connotation of names, except to free its language from the assumption of what are called abstract ideas, which unfortunately is involved in the phraseology, although not necessarily connected with the thoughts, contained in that immortal Third Book.' But the term 'abstract ideas' is so inextricably mixed up with the phraseology as to render Locke's essay almost useless now as a text-book in mental science. Moreover, while Locke's candour, simplicity, earnestness, and devotion to truth, are entitled to the respect of all who value truth, his style certainly does not possess that combination of simplicity, compactness, and perspicuity, which forms the charm of Hobbes's style.

[1] The italics are in the original.

no bread. And upon the same ground they say, that faith and wisdom, and other virtues, are sometimes *poured* into a man, sometimes *blown* into him from heaven, as if the virtuous and their virtues could be asunder; and a great many other things that serve to lessen the dependence of subjects on the sovereign power of their country. For who will endeavour to obey the laws, if he expect obedience to be poured or blown into him? Or who will not obey a priest that can make a God, rather than his sovereign, nay than God himself? Or who, that is in fear of ghosts, will not bear a great respect to those that can make the holy water that drives them from him? And this shall suffice for an example of the errors, which are brought into the Church, from the *entities* and *essences* of Aristotle; which it may be he knew to be false philosophy, but writ it as a thing consonant to, and corroborative of, their religion, and fearing the fate of Socrates.' [1]

Although Hobbes's political philosophy exhibits such a tissue of sophistry, no man ever possessed a greater power than Hobbes of breaking through and exposing the sophistry of others. Of this power of Hobbes one example is his solution of the celebrated logical puzzle of Achilles and the tortoise, a puzzle first propounded by Zeno, which, observes Mr. J. S. Mill,[2] 'has been too hard for the ingenuity or patience of many philosophers, and which no less a thinker than Sir William Hamilton considered as insoluble; as a sound argument, though leading to a palpable falsehood. The fallacy, as Hobbes hinted, lies in the tacit assumption that whatever is infinitely divisible

[1] Hobbes's Leviathan, part iv. chap. xlvi. pp. 372, 373, London, 1651. See also Leviathan, p. 59, as to the consequences of bringing the philosophy of Aristotle into religion.

[2] Logic, vol. ii. p. 393, 7th edition.

is infinite.' Mr. J. S. Mill then gives a solution (to the invention of which he says he has no claim) which shows that the argument proves no other infinity of duration of the time it will take Achilles to overtake the tortoise than may be embraced within five minutes. 'As long,' continues Mr. Mill,[1] 'as the five minutes are not expired, what remains of them may be divided by ten, and again by ten, as often as we like, which is perfectly compatible with there being only five minutes altogether. It proves, in short, that to pass through this finite space requires a time which is infinitely divisible, but not an infinite time; the confounding of which distinction Hobbes[2] had already seen to be the gist of the fallacy.'

M. Comte admits the power of Hobbes as a thinker, though, as will be seen, he had a very inadequate knowledge of Hobbes's writings. 'We are thus obliged,' says M. Comte, 'to regard Hobbes as the father of the revolutionary philosophy. We shall hereafter find that he held a much higher position than this, as one of the chief precursors of the true positive polity.'[3] M. Comte

[1] Logic vol. ii. p. 394, seventh edition.

[2] Hobbes says:—'Illud Zenonis celebre argumentum contra motum innitebatur huic propositioni, *quicquid dividi potest in partes numero infinitas est infinitum*, quam ille procul dubio censuit esse veram, tamen falsa est; nam dividi posse in partes infinitas nihil aliud est quam dividi posse in partes quotcunque quis velit. Necesse autem non est, ut linea, etsi possem ipsam dividere et subdividere quoties voluero, propter eam causam dicatur infinita esse.'—*Hobbes' Computatio sive Logica*, cap. v. § 13. See also Hobbes's Philosophia Prima, cap. vii. §§ 12, 13. Many years ago, and long before I had read Hobbes, this puzzle was first mentioned to me by a friend who, though he had been second wrangler, could not solve it. I gave a solution of it, which as far as I recollect was similar to Hobbes's, and which my friend said was due to my being something of a metaphysician, which he was not, though a vastly superior mathematician to me. I mention this because it may perhaps have some bearing on a subject which has often occupied my thoughts—the relation of metaphysics to mathematics—a relation which is referred to in several of these essays.

[3] Comte, ii. 350.

of course objects to Hobbes's 'subordination of the spiritual to the temporal power.'[1] He speaks of Voltaire as 'the chief of his philosophical successors,' and then says, with characteristic ignorance of historical facts, 'In regard to Hobbes, it seems to me remarkable that notwithstanding his national predilection for *aristocracy rather than royalty*, he should have chosen monarchical power for the single centre of his political scheme.'[2] M. Comte further says, in the same page, 'My impression is that, in the first place, Hobbes was aware that the monarchical dictatorship was better adopted than the aristocratic to facilitate the necessary decay of the old system, and the development of new social elements; and that, in the second place, he was instinctively aware that his doctrine, far from being specially English, must meet with its completest reception and development among nations in which royalty was the form of political concentration, instances of insight and foresight to which I believe the sagacity of the illustrious philosopher to be fully adequate.' Where did M. Comte find evidence of Hobbes's 'national predilection for aristocracy rather than royalty'? Nowhere. In Hobbes's time aristocracy was extinct in England, and did not again arise till royalty had been thoroughly humbled by the Long Parliament, which Hobbes feared and hated.

M. Comte then gives the following account—on which and the preceding extracts it will be necessary to make some remarks—of the relation of what he calls the school of Hobbes to that of Voltaire, or, as he expresses it, of the thinkers to the writers—a distinction which seems to be well indicated in the expression of D'Alembert,

[1] Comte, ii. 352. [2] *Ibid.* ii. 335.

who is not placed by the French in the first rank as regards style. 'Let us find out the thing,' said D'Alembert; 'there will be plenty of people to put it into shape.' However, though it may be quite true that, in the transmission of a doctrine from the thinkers to the writers who were to popularize it, the title of philosopher must be lowered before it can be applied to the latter, to whom the art of expression is more important than the power of thinking; at the same time, when we recall to mind the character given to Hobbes's philosophical style by James Mill,[1] we seem to be led to the conclusion that it is possible for a great thinker to be also a better writer, at least a better expositor of his own thoughts, than even the most accomplished of those masters of the art of expression in whose minds 'the combination of secondary intellectual qualities presents so largely the appearance of strength and genius.' M. Comte says:—

'We thus see how the way was cleared for the propagation of the negative doctrine; for its transmission from the pure thinkers to the authors who were to popularize it. We may discern how the title of philosopher had been lowered before it could be applied to these last, to whom the art of expression was more important than the power of thinking; but the intellectual and social need of their office assigns a place in history to the most important of their class, with Voltaire at their head, the singularly admirable combination of secondary intellectual qualities in his mind presenting so largely the appearance of strength and genius. In its passage from the thinkers to the writers, the negative philosophy assumed a weaker

[1] Fragment on Mackintosh, pp. 32, 33. James Mill's words characterising Hobbes's philosophical style, will be found quoted, *post*, p. 98.

character, both in accommodation to the feebler rationality of the new organs, and for the sake of the universal propagation of the movement. The school of Voltaire brought the doctrines of Spinoza, Hobbes, and Bayle to a stop at deism, properly so called, which was sufficient for the entire destruction of the religious system, while it was less alarming.'[1]

I do not think that there is the slightest evidence in support of this view of Hobbes's doctrines taken by M. Comte, who, if he had possessed a competent knowledge of Hobbes's writings, would hardly, I think, have styled Hobbes 'the illustrious philosopher.' For, though Hobbes was so far in agreement with M. Comte in the view he took, and was the first to take, of the theological stage of the human mind, Hobbes's opinions of Catholicism were so far the reverse of M. Comte's that Hobbes's whole life was one unending strife against the frauds of those jugglers and impostors whom, as has been shown, M. Comte calls 'fine theocratic natures.' Moreover, Hobbes was quite in earnest in his support of monarchical power, and that rather because he thought it more able to secure for him the personal safety which his constitutional timidity made an object ever present to his mind, than with any ulterior consideration of its being better adapted to the purposes mentioned by M. Comte. The constitutional timidity of Hobbes, notwithstanding his great intellectual power, coloured and even distorted (for he is sometimes guilty of flagrantly dishonest dealing with evidence) his political philosophy, which does not appear to me to stand on the same intellectual level as his mental philosophy. How, indeed, could a man who

[1] Comte, ii. 356.

trusted to the evidence of his senses and his reason as to observed facts, attempt, unless misled by this defect in his organization, to build a complete philosophy of politics on fear, and to eke out this one maxim which he did not find sufficient to carry him through the whole of his subject, by what Mr. J. S. Mill calls 'the double sophism of an original contract.'[1] And how otherwise could such a man come to the conclusion that such examples of 'pathological monstrosity' as the Stuart kings were fit rulers of mankind?

As I do not think that there is the slightest evidence in support of Hobbes's predilection for aristocracy, alleged by M. Comte; neither do I see any ground for the relation alleged by M. Comte, between Hobbes and Spinoza and Bayle, or between Hobbes and Voltaire, farther than that Hobbes was hostile to ecclesiastical tyranny and to theological dogmas pretending to explain all phenomena by supernatural agencies. There is no doubt that Hobbes's writings gave a great blow to sacerdotal pretensions, and were the first that did so; and he is the first great thinker, not only in England, but in Europe, on the subject of mental philosophy, which, as far as he went, he quite cleared of those 'metaphysical abstractions' of which M. Comte speaks as still existing. In fact M. Comte's assertion of relation between Hobbes and Spinoza seems to show that M. Comte knew as little of Spinoza as he did of Hobbes. There was a fundamental distinction between the philosophy of Hobbes and the philosophy of the school to which Spinoza belonged. For Hobbes's philosophy was not vitiated by the *à priori* fallacies which 'pervade the philosophy not only of

[1] Mill's Logic, ii. 552, 1st edition.

Descartes, but of all the thinkers who received their impulse mainly from him, in particular the two most remarkable among them, Leibnitz and Spinoza, from whom the modern German metaphysical philosophy is essentially an emanation.'[1]

It would be easy to give passages from Hobbes's writings to show that Hobbes knew at least as well as M. Comte the different stages in the history of the human mind, though he had not the presumption to style the conclusions he had himself arrived at 'Hobbes's Positive Philosophy.' Hobbes says:—

'From this ignorance of how to distinguish dreams and other strong fancies, from vision and sense, did arise the greatest part of the religion of the gentiles in time past, that worshipped satyrs, fawns, nymphs, and the like; and now-a-days the opinion that rude people have of fairies, ghosts, and goblins. As for fairies and walking ghosts, the opinion of them has I think been on purpose either taught or not confuted, to keep in credit the use of exorcism, of crosses, of holy water, and other such inventions of ghostly men.'[2]

The third part of Hobbes's 'Leviathan' is entitled 'Of a Christian Commonwealth;' and the fourth and last part 'Of the Kingdom of Darkness.' In this last part Hobbes came to a very different conclusion from that of M. Comte, that 'the aptitude of Catholicism for philosophy is as remarkable as it is ill-appreciated.'[3] For Hobbes comes to the conclusion that the Romish hierarchy is 'the kingdom of darkness;' and that 'the spiritual power of the

[1] J. S. Mill's Logic, vol. ii. p. 356, 1st edition, London, 1843; vol. ii. p. 316, 7th edition, London, 1868.

[2] Hobbes's Leviathan, part i. chap. ii. p. 7, London, folio, 1651.

[3] Comte, ii. 295.

bishop of Rome, who had gotten to be acknowledged for Bishop Universal or Pope, by pretence of succession to St. Peter, was based upon false miracles, false traditions, and false interpretations of the Scripture.'[1] And Hobbes uses these remarkable words, which, as has been observed, have been often quoted, and cannot be quoted too often:— 'And if a man consider the original of this great ecclesiastical dominion, he will easily perceive that the Papacy is no other than the Ghost of the deceased Roman Empire, sitting crowned upon the grave thereof.'[2]

The power which Hobbes possessed in a pre-eminent degree of engraving his words on the minds of others rendered him a most formidable adversary, and explains the intense hatred borne him by the Romish priesthood, and by that part of the Reformed priesthood which in tyrannical pretensions came nearest to the Romish. It would appear, from the following passage of Aubrey, that the latter, who so persistently calumniated him when dead, would fain have burned him when living. 'There was a report (and surely true) that in Parliament, not long after the king was settled, some of the bishops made a motion, to have the good old gentleman burned for a heretique; which he hearing, feared that his papers might be searched by their order, and he told me that he had burned part of them.'[3]

The opinion commonly entertained that Hobbes was the enemy of religion was the work of those whose frauds he exposed with such weight of reason and such power of expression, in language which has been described by a great authority as 'the very perfection of the philoso-

[1] Leviathan, part iv. chap. xlvii. pp. 386, 387.
[2] Leviathan, part iv. chap. xlvii. p. 386. [3] Aubrey's Lives, vol. ii. p. 612.

phical style, the utmost degree of simplicity, compactness, and perspicuity, combined, the purest transcript of thought which words seem capable of being rendered.'[1] The result was, that those whom he had so powerfully attacked charged him, according to their usage from the beginning of time, with atheism. 'Of positive atheism; of mere scepticism concerning the existence of the Deity; or of, what is more impious and mischievous than either, a religion imputing to the Deity human infirmities and vices, there is not, I believe, in any of his writings, the shadow of a shade.'[2]

There was a certain resemblance in the fate of Hobbes to that of his friend Galileo, in so far as they both fell under the hatred of the same powerful body of men. Aubrey says:—'When he [Hobbes] was at Florence, he contracted a friendship with the famous Galileo Galilei, whom he extremely venerated and magnified; not only as he was a prodigious wit, but from his sweetness of nature and manners. They pretty well resembled one another. They were not much unlike in the countenance, as by their pictures may appear. They were both cheer-

[1] James Mill's Fragment on Mackintosh, pp. 32, 33.

[2] See the long note on Hobbes in Austin's Province of Jurisprudence Determined, p. 296, *et seq.*, London, John Murray, 1832. Many examples might be given from Hobbes's works of the opinions which excited against him the *odium theologicum*. The following passage shows Hobbes neither in the character of an 'atheist' or of an 'infidel,' but only as an enemy of ecclesiastical ambition and rapacity. ''Tis one article only, which to die for meriteth so honourable a name [that of "a martyr of Christ"], and that article is this: that *Jesus is the Christ*; that is to say, He that hath redeemed us, and shall come again to give us salvation and eternal life in his glorious kingdom. To die for every tenet that serveth the ambition, or profit of the clergy, is not required.'—*Leviathan*, part iii. chap. xlii. p. 272, London, 1651. And as to the charge of atheism, Aubrey says:—'For his being branded with atheism, his writings and virtuous life testify against it. And that he was a Christian is clear, for he received the sacrament; and in his confession to Dr. Cosins on his (as he thought) death-bed, declared that he liked the religion of the Church of England best of all other.'—*Aubrey's Lives*, vol. ii. pp. 624, 625.

ful and melancholique-sanguine; and had both a consimilitie of fate, to be hated and persecuted by the ecclesiastiques.'[1] Aubrey further says, in a note in the same page:—'I have heard Mr. Edm. Waller say that W. Lord Marquis of Newcastle was a great patron to Dr. Gassendi and M. Des Cartes, as well as to Mr. Hobbes, and that he hath dined with them all three at the marquis's table at Paris. Mr. Hobbes was wont to say, that had M. Des Cartes (for whom he had a high respect) kept himself to geometrie, he had been the best geometer in the world; but he could not pardon him for his writing in defence of transubstantiation, which he knew was absolutely against his conscience; which was done merely to put a compliment on (flatter) the Jesuits.'[2]

[1] Aubrey's Lives, vol. ii. p. 626, London, 1813.

[2] Aubrey's Lives, vol. ii. p. 626, note, London, 1813. To show the title of Aubrey to be regarded as a credible witness in regard to the particulars he has recorded respecting Hobbes, I will quote the first three sentences of his introduction to his 'Life of Mr. Thomas Hobbes, of Malmesburie:'—'Tis religion to perform the will of the dead. I therefore discharge my promise, performing the last office to my honoured friend Mr. T. H. Since nobody knew so many particulars of his life as myself, he desired that if I survived him it should be handed to posterity by my hands, which I declare and avow to do ingenuously and impartially.'—*Aubrey's Lives*, vol. ii. p. 593. Aubrey's Life of Hobbes occupies from p. 593 to the end, i.e. to p. 637 of vol. ii. of the publication usually cited as Aubrey's Letters and Lives, though that is an incorrect description. For the letters are those of various eminent persons in the 17th and 18th centuries, and have nothing to connect them with John Aubrey, the Pepys or Boswell of his time; whom Anthony à Wood, with small gratitude for what he owed to him, describes as 'a shiftless person, roving and magotie-headed, and sometimes little better than crased.' The lives were, says the editor, 'originally designed as memoranda for the use of Anthony à Wood, when composing his Athenæ Oxonienses, and are now submitted to the public as literary curiosities. That they possess a claim to this title will readily be allowed, since there is scarcely a life without some anecdote hitherto unpublished; and the author's description of the personal appearance and domestic habits of most of the individuals of whom he writes is singularly interesting. As the lives occupy a much greater space in print than the editor expected, it was found necessary to divide the second volume into two parts.' Both the letters and the lives are

Hobbes's opinion of Descartes, that 'had he kept himself to geometry, he had been the best geometer in the world,' is in accordance with the character of Descartes' mind, quoted in the preceding essay from Mr. J. S. Mill, and shows that Hobbes had a just appreciation of Descartes. But Hobbes had not so just an appreciation of himself. As Descartes was an example of the mathematical type of mind, so Hobbes was an example of the metaphysical type. As good mathematicians are, like Descartes, apt to be bad metaphysicians, good metaphysicians are apt to be bad mathematicians. Hobbes, who dispelled hosts of phantasies, gained no honour by his controversy with Wallis, the mathematical professor at Oxford, to whose writings Newton has been considered to have been more indebted than to those of Descartes. There is evidence in their writings that neither Wallis nor Newton could have dispelled the phantasies that were dispelled by Hobbes; and there is evidence that Hobbes was far enough from discovering the law of gravitation that was discovered by Newton.[1]

stated on the title-page to be 'now first published from the originals in the Bodleian Library and Ashmolean Museum.' In a letter to Aubrey, dated Qu. Coll. Oxon. May 16, 1693, the writer, Thomas Tanner, afterwards bishop of St. Asaph, thus expresses his opinion of Wood's treatment of Aubrey:—'I shall scorn to be like Ant. Wood, viz. make use of your papers and acquaintance, and at last not afford you a good word; your entire originalls shall be deposited hereafter in the Museum according to your desire, that posterity may see how just we have been to the memory of your pains.'—Vol. ii. p. 166.

[1] The apology for himself and his writings in the Dedication to the King prefixed to Hobbes's Philosophical Problems, of which chapter i. is headed 'Problems of Gravity,' and chapter ii. 'Problems of Tides,' might lead to the surmise that Hobbes applied his mind to physical science rather because it was a safe pursuit as compared with mental and political science, than because he felt in himself any particular aptitude for it. Berkeley, who was more of a mathematician than any other metaphysician of equal power, has some observations in The Analyst, with reference to a distinction between *computing* and *thinking*, which seems to lie at the bottom of the question be-

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About half a century after the time when Hobbes and Descartes met at Paris at the table of the Marquis of Newcastle, a meeting took place at Paris between a representative of Descartes' school of metaphysics and a metaphysician who, though he would have protested most vehemently against being considered as belonging to Hobbes's school of metaphysics, differed as much from Descartes in metaphysics as Hobbes. When Berkeley was in Paris in 1715, he paid a visit to Malebranche, whom he found in his cell, cooking in a small pipkin a medicine for an inflammation of the lungs from which he suffered. A disputation between the two philosophers took place, in the heat of which Malebranche raised his voice so high that he brought on a violent increase of his disorder, which carried him off a few days after.[1]

tween metaphysics and mathematics. Berkeley calls ordinary mathematicians, as distinguished from such mathematicians as Newton, who was a philosopher as well as a mathematician, 'men accustomed rather to compute than to think.'—*Berkeley's Works*, vol. ii. pp. 412, 414, London, 1820. Coleridge has a remark on the same subject, which makes the distinction, not between thinking and computing, but between thought and attention. Coleridge says: 'This is a most important distinction, and in the new light afforded by it to my mind I see more plainly why mathematics cannot be a substitute for logic, much less for metaphysics, and why Cambridge has produced so few men of genius and original power since the time of Newton.'—MS. note of Coleridge, printed in Gillman's Life of Coleridge, p. 34.

[1] Life of Bishop Berkeley, prefixed to his works, p. 5.

ESSAY III.

JAMES MILL.

In the essay on Hobbes I have had occasion to mention that James Mill carried on some of the most important discoveries of Hobbes in mental philosophy. But to James Mill is due more than an incidental notice, for he as well as Hobbes 'is a great name in philosophy.'

It is a remarkable proof of the truth of a remark in the article 'James Mill' in the Encyclopedia Britannica respecting the general neglect of metaphysical studies in the present age, that so accomplished a man as Lord Macaulay, when intending to be complimentary to James Mill, made favourable mention of his 'History of British India,' but did not seem to be aware of the existence of his 'Analysis of the Phenomena of the Human Mind;' though the powers of mind displayed in the latter work are of a much higher order than those displayed in the former. The remark referred to occurs in a paragraph, written not by the present writer who wrote most of the paper in which it occurs, but by Mr. John Stuart Mill,[1] and is this:— 'From the general neglect of metaphysical studies in the present age, this work' [the Analysis of the Phenomena of the Human Mind, published in 1829], 'which at some periods of our history would have placed its author on a

[1] See a note on the article James Mill, in the Encyclopædia Britannica, in the beginning of Essay I.

level, in point of reputation, with the highest names in the republic of letters, has been less read and appreciated than any of his other writings.' In the same paragraph which contains the sentence just quoted, the characteristic which formed the peculiar value of James Mill's 'Analysis of the Phenomena of the Human Mind' is thus described:—'In this work he evinced analytical powers rarely, if ever, surpassed; and which have placed him high in the list of those subtile inquirers who have attempted to resolve all the powers of the mind into a very small number of simple elements. Mr. Mill took up that analysis where Hartley had left it, and applied the same method to the more complex phenemona which the latter did not succeed in explaining.'

One of the most important results of James Mill's analysis was to show that belief, which Dugald Stewart and other writers say they can refer to nothing but instinct, is a case of the indissoluble association of ideas; that 'no instance can be adduced in which anything besides an indissoluble association of ideas can be shown in belief;' 'that in every instance of belief there is indissoluble association of the ideas.'[1] Some remarkable examples are given in Mr. J. S. Mill's 'Logic' of the effect of inattention to or ignorance of the elementary laws of association in producing the illusion which measures the possibility of things in themselves by the human capacity of conceiving them. Dr. Whewell, speaking of the laws of chemical composition discovered by Dalton, says, 'How can we conceive combinations otherwise than as definite in kind and quantity?' and 'we cannot conceive a world in which this should not be the

[1] Analysis, vol. i. pp. 281, 282.

case.'[1] The difficulty of conceiving such a world arose simply from the association produced in his own mind since the discovery of Dalton between the idea of combination and that of definite proportions. The case of the first law of motion is also instructive in a like manner. Dr. Whewell says: 'Though the discovery of the first law of motion was made, historically speaking, by means of experiment, we have now attained a point of view in which we see that it might have been certainly known to be true, independently of experience.' On which Mr. J. S. Mill's makes these observations: 'Can there be a more striking exemplification than is here afforded of the effect of association? Philosophers, for generations, have the most extraordinary difficulty in putting certain ideas together; they at last succeed in doing so, and after a sufficient repetition of the process they first fancy a natural bond between the ideas, then experience a growing difficulty, which at last, by the continuation of the same progress, becomes an impossibility, of severing them from one another.'[2]

It would be difficult to overrate the importance of the service which James Mill did to philosophy by his analysis of the elementary laws of the association of ideas; for an ignorance of those laws has led to more false philosophy than probably anything else. An association between two ideas (an association which was merely the result of education, or early habits, or accident) was assumed to be conclusive proof that the association of those two ideas was a necessary and ultimate fact.

[1] Mill's Logic, vol. i. pp. 322, 323, 1st edition; vol. i. pp. 273, 274, 7th edition.

[2] J. S. Mill's Logic, vol. i. p. 322, 1st edition; vol. i. p. 273, 7th edition.

Whatever ideas certain philosophers could put together to their own satisfaction must, they affirmed, be the representatives of things that really existed. 'This assumption pervades the philosophy not only of Descartes, but of all the thinkers who received their impulse mainly from him; in particular, the two most remarkable among them, Leibnitz and Spinoza, from whom the modern German metaphysical philosophy is essentially an emanation.'[1] Thus a boundless field was opened for the production of metaphysical entities. For the argument of Descartes, that the conception of any being proves the real existence of such a being, would prove the existence of centaurs, or indeed of anything, such as the wildest conceptions of Ariosto, or of the writers on knight-errantry who drove Don Quixote mad.

But the production of entities was only half of this process of bad or false metaphysics. The other half had relation to non-entities; under this form things which we cannot think of together cannot exist together, including that what we cannot think of as existing cannot exist at all; or, in other words, whatever is inconceivable must be false. There are many degrees of this error, which is most conspicuous in uneducated persons, like the English footman in Dr. Moore's 'Zeluco,' who objected to the French foot-guards being dressed in blue—a colour he pronounced 'only fit for the blue horse or the artillery;' or in fierce dogmatists of limited experience, like Johnson, who gave the lie direct to any man who told him of a water-spout or a meteoric stone. But philosophers of a very different kind from Boswell's 'sage' did not escape this mental

[1] J. S. Mill's Logic, vol. ii. p. 356, 1st edition, London, 1843; vol. ii. p. 316, 7th edition, London, 1868.

snare. There are some circumstances connected with the history of this metaphysical error, which are calculated to place it in a strong light. The evil effects of bad metaphysics were strikingly displayed in the long war which the Cartesians waged against the theory of gravitation, on the ground that 'a thing cannot act where it is not;' an assumption which imposed even upon Newton himself, who, to meet the objection, imagined a subtle ether which filled up the space between the sun and the earth, and was the proximate cause of gravitation. And there is a passage in one of Newton's letters to Dr. Bentley, which, as Mr. J. S. Mill observes, 'should be hung up in the cabinet of every man of science who is ever tempted to pronounce a fact impossible because it appears to him inconceivable.'[1] 'It is inconceivable,' said Newton, 'that inanimate brute matter should, without the mediation of something else, which is not material, operate upon and affect other matter without mutual contact. . . . That gravity should be innate, inherent, and essential to matter, so that one body may act on another at a distance through a vacuum, without the mediation of anything else, by and through which their action and force may be conveyed from one to another, is to me so great an absurdity, that I believe no man, who in philosophical matters has a competent faculty of thinking, can ever fall into it.'

Another great discovery of a philosopher of the same country and the same century as Newton also affords an instructive example of the difficulties with which truth has to contend. The greatest and most original discovery

[1] J. S. Mill's Logic, ii. 359, 1st edition.

in physiology—that of the circulation of the blood—was so contrary to all the previous notions, in other words, to the association of ideas, of physicians, that the doctrine was not received by any physician who was more than forty years old, was violently opposed by some of the most distinguished, and Harvey's practice fell off considerably after the publication of his treatise 'On the Circulation of the Blood.' Harvey had anticipated such a result; and his words express his appreciation of the strength of 'inseparable association' as strongly as if he had used that expression instead of 'consuetudo.' 'Tantum,' he says, 'consuetudo, quasi altera natura, apud omnes valet.' Hume, as will be seen in the next essay, uses 'custom' in the same sense in which Harvey here uses 'consuetudo.' There is great significance in Harvey's expression, 'altera natura.' This 'altera natura' is the snare, the idol, the stumbling-block, of false philosophy. It may be mentioned, as an illustration of the philosophical sagacity of Harvey's mind, that the idea of the circulation of the blood was suggested to him by the consideration of the obvious use of the valves of the veins, which are so constructed as to impede the course of the blood *from* the heart through those vessels, while they permit it to pass through them *to* the heart.

Another important investigation in James Mill's 'Analysis' is the development of the pernicious consequences arising from the ambiguity of the *Copula*; first exposed by Hobbes in a passage quoted in the essay on Hobbes. James Mill has thus treated the subject:—'In all languages, the verb which denotes EXISTENCE[1] has been em-

[1] The small capitals and italics in this extract are all copied from the original text.

ployed to answer the additional purpose of the *Copula* in Predication. The consequences of this have been most lamentable. There is thus a double meaning in the *Copula*, which has produced a most unfortunate mixture and confusion of ideas. It has involved in mystery the whole business of Predication, the grand contrivance by which language is rendered competent to its end. By darkening Predication, it has spread such a veil over the phenemona of mind as concealed them from ordinary eyes, and allowed them to be but imperfectly seen by those which were the most discerning.

'In our own language, the verb, TO BE, is the important word which is employed to connote, along with its subject, whatever it be, the grand idea of EXISTENCE. Thus, if I use the first person singular of its indicative mood, and say, 'I am,' I affirm EXISTENCE of myself. 'I am' is the equivalent of 'I am EXISTING.' In the first of these expressions, 'I am,' the mark 'am' involves in it the force of two marks; it involves the meaning of the word 'existing,' and the marking power or meaning of the *Copula*. In the second expression, 'I am existing,' the word 'am' ought to serve the purpose of the *Copula* only. But in reality its connotation of EXISTENCE still adheres to it; and whereas the expression ought to consist of three established parts of a Predication; 1, the *subject* 'I'; 2, the *predicate* EXISTING, and 3, the *copula*; it in reality consists of, 1, the subject 'I,' 2, the predicate EXISTING; 3, the *copula*; which signifies, 4, EXISTING, over again.

'Let us take, as another case, that in which the subject and predicate of my intended proposition are, the word 'I' and 'reading.' I want for the purpose of predication

only a *copula* to signify nakedly that the mark 'reading' is applied to the mark 'I'; but instead of this I am obliged to use a word which connotes EXISTENCE, along with the force of the *copula*; and when I say 'I am reading,' not only *reading* is predicated of me, but EXISTING also. Suppose, again, my subject is 'John,' my predicate 'dead.' I am obliged to use for my *copula* the word 'is,' which connotes EXISTENCE, and I thus predicate of John both *existence* and *death*.

'It may be easily collected, from this one example, what heterogeneous and inconsistent ideas may be forced into connexion by the use of the Substantive Verb as the *copula* in Predication; and what confusion in the mental processes it tends to produce. It is in the case, however, of the higher abstractions, and the various combinations of ideas which the mind, in the processes of inquiring and marking, forms for its own convenience, to obtain a greater command over its stores and greater facility in communicating them, that the use of the verb which conjoins the Predication of EXISTENCE with every other Predication, has produced the wildest confusion, and been the most deeply injurious. Is it any wonder, for example, that *chance*, and *fate*, and *nature*, have been personified, and have had an EXISTENCE ascribed to them, as objects, when we have no means of predicating anything whatsoever of them, without predicating such EXISTENCE at the same time. If we say that 'chance is nothing,' we predicate of it, by the word 'is,' both *existence* and *nothingness*.

'When this is the case, it is by no means to be wondered at that philosophers should so long have inquired what those EXISTENCES are which abstract terms were employed to express; and should have lost themselves in

fruitless speculations about the nature of entity, and quiddity, substance, and quality, space, time, necessity, eternity, and so on.'[1]

With this ambiguity of the copula—whence arose those existences, those entities or essences which abstract terms were employed to express—is closely connected the inextricable confusion in which General Terms were involved for so many ages. 'It is only necessary,' says James Mill, 'to read with care the writings of Plato and of Aristotle, and of all philosophers, with very few exceptions, from theirs to the present time, to see that a misunderstanding of the nature of General Terms is that which chiefly perplexed them in their inquiries, and involved them in a confusion which was inextricable, so long as those terms were unexplained. The process performed by the mind, when it forms individuals into classes, was said to be this. The mind leaves out of its view this and that, and the other thing, in which individuals differ from one another; and retaining only those in which they all agree, it forms them into a class. But what is this forming of a class? What does it mean? . . . . What is it which they have in common, which the mind can take into view? Those who affirmed that it was something, could by no means tell. They substituted words for things; using vague and mystical phrases, which, when

[1] James Mill's Analysis of the Phenomena of the Human Mind, vol. i. pp. 126–128, 1st edition, London, 1829. He adds that in the case of other verbs besides the substantive verb, EXISTENCE is always predicated along with the attribute which the verb is used to predicate. Thus, 'when I say, "Caliban existed not," which is the same as "Caliban was not existing," I predicate both existence and non-existence, of the imaginary being Caliban. By the two first words of the Predication, "Caliban was," existence is predicated of him; by the addition of the compound term "not existing," the opposite is predicated of him.'—*Ibid.* pp. 129, 130.

examined, meant nothing. Plato called it ἰδέα, Aristotle εἶδος, both words taken from the verb to see; intimating something, as it were, seen, or viewed, as we call it. At bottom Aristotle's εἶδος is the same with Plato's ἰδέα, though Aristotle makes a great affair of some very trifling differences, which he creates and sets up between them. The Latins translated both ἰδέα and εἶδος by the same words, and were very much at a loss for one to answer the purpose; they used *species*, derived in like manner from a verb to see, but which, having other meanings, was ill adapted for a scientific word; they brought, therefore, another word in aid, *forma*; the same with ὅραμα, derived equally from a verb signifying to see, which suited the purpose just as imperfectly as *species*; and as writers used both terms, according as the one or the other appeared best to correspond with their meaning, they thickened by this means the confusion.'[1]

And so thick did the confusion become, that in time men came to forget that Nature makes no classes; that Nature makes individuals, and that men make classes for convenience.[2]

It is necessary, in order to expose the misrepresentations of such writers as M. Comte, to compare the condition in which the process of grouping individuals into classes was left by the ancient philosophers, and

[1] Mill's Analysis of the Phenomena of the Human Mind, vol. i. pp. 187–189, 1st edition, London, 1829.

[2] For those who think that truth depends on authors, I may add here the following passages:—'Licet enim in natura nihil vere existat præter corpora individua.'—*Bacon, Nov. Organ.* Lib. ii. Aph. ii. 'Nature makes no classes. Nature makes individuals. Classes are made by men; and rarely with such marks as determine certainly what is to be included in them. Men make classifications, as they do everything else, for some end.'—*James Mill's Fragment on Mackintosh*, pp. 247, 248, London, 1835.

such modern writers on philosophy as Cudworth and Harris, and the condition in which it was left by James Mill.

The power which the mind has of attending to one part of an object and neglecting other parts of it so as to form a number of objects, each of which has been similarly regarded, into a class, gave rise to endless subtleties respecting the particular qualities in which the individuals of a class agree. They became 'distinct existenses; they were the Essence of things; the Eternal Exemplars, according to which individual things were made; they were called UNIVERSALS, and regarded as alone the objects of the intellect. They were invariable, always the same; individuals, not the objects of intellect, but only the low objects of sense, were in perpetual flux, and never, for any considerable period, the same. Universals alone had unity; they alone were the subject of science; Individuals were innumerable, every one different from another; and cognoscible only by the lower, the sensitive part of our nature.'[1]

After the undisturbed prevalence for several centuries of this jargon, which passed for philosophy, there arose the controversy known as that between the Realists and the Nominalists. The Realists were those who affirmed the existence of universals, or universal or general ideas. The Nominalists were those who denied their existence, and affirmed that there is nothing universal but names. The Nominalists, however, were hunted down by Catholicism, which, when it interfered in philosophical disputes, always took the wrong side.

The question respecting the idea called up by a

[1] Mill's Analysis, i. 191.

general name has given rise to much controversy. Hobbes settled it, to his own satisfaction at least, with his usual clearness and conciseness. He says, 'The universality of one name to many things hath been the cause that men think the things are themselves universal, and so seriously contend that besides Peter and John, and all the rest of the men that are, have been, or shall be in the world, there is yet something else that we call man, viz. man in general, deceiving themselves by taking the universal or general appellation for the thing it signifieth. For if one should desire the painter to make him the picture of a man, which is as much as to say of a man in general, he meaneth no more, but that the painter should chuse what man he pleaseth to draw, which must needs be some one of them that are, or have been, or may be, none of which are universal. But when he would have him to draw the picture of the king, or any particular person, he limiteth the painter to that one person he chuseth. It is plain, therefore, that there is nothing universal but names.'[1] Hobbes's opinion therefore seems to coincide with that of the Nominalists.

After Hobbes came Locke. Locke's doctrine of abstract ideas appears to correspond somewhat with that of the sect which professed to steer a middle course between the Realists and Nominalists, and which was known by the name of Conceptualists, on account of their holding universality to be the attribute, not of names only, but of conceptions.

In regard to Berkeley's argument on Locke's doctrine of abstract ideas, 'what more easy than for any one to

[1] Hobbes' Human Nature, p. 26. Hobbes has elsewhere thus stated the same conclusion:—'Ideoque non est opus ad vim *universalis* intelligendam alia facultate quam imaginativa, qua recordamur voces ejusmodi modo unam rem modo aliam in animo excitasse.'—*Computatio sive Logica*, cap. ii. § 9.

look a little into his own thoughts, and then try whether he has, or can attain to have, an idea that shall correspond with the description' [given by Locke] 'of the general idea of a triangle, which is neither oblique nor rectangle, equilateral nor scalene, *but all and none of these at once*,'[1] it may be remarked that though, as thus stated, it is conclusive, Berkeley by no means settled the question of the ideas associated with general names. Hume has a short note on this subject, which shows that he saw farther than Berkeley. Hume says: 'All general ideas are, in reality, particular ones attached to a general term, which recalls, upon occasion, other particular ones, that resemble, in certain circumstances the idea present to the mind. Thus, when the term Horse is pronounced we immediately figure to ourselves the idea of a black or a white animal of a particular size or figure; but as that term is also usually applied to animals of other colours, figures and sizes, these ideas, though not actually present to the imagination, are easily recalled; and our reasoning and conclusion proceed in the same way as if they were actually present.'[2]

James Mill says that a general name, the word Man, for instance, having become associated with an indefinite number of individuals, has acquired the power of calling up an indefinite number of ideas; and forming them into a species of complex idea, and he adds that there can be no difficulty in admitting this, 'because it is an acknowledged fact.'[3] And yet immediately after he furnishes a good reason for doubt as to this alleged fact, for he says:

[1] Berkeley's Introduction to the Principles of Human Knowledge, § 13.
[2] Hume's Essays, vol. ii. p. 467, note [P], Edinburgh, 1825.
[3] Mill's Analysis of the Phenomena of the Human Mind, vol. i. p. 205.

'It is also a fact, that when an idea becomes to a certain degree complex, from the multiplicity of the ideas it comprehends, it is of necessity indistinct.'

This last word appears to me to furnish a more satisfactory explanation of the phenomenon; for the idea is so indistinct that I am unable to satisfy myself that it is composed of all the individuals with whom it has been associated in my mind. All that I can see is, that we may be said to have indistinct ideas which are marked by general names. It is, indeed, quite true that I can no more have an idea of a triangle which is neither equilateral, isosecles or scalene, than I can have an idea of a ship which is neither three-masted, two-masted, nor one-masted; or an idea of a man who is neither short, nor tall, black nor white, but in the words of Locke, 'all and none of these at once;' yet I may have an idea of a figure which has three sides and three angles, though I do not examine the exact nature of the angles and the relations and the proportions of the sides; or of an object which has the shape and some property, for instance a bowsprit, of a ship, though I do not stop to render my ideas more distinct, leaving the masts unexamined and indefinite; or of a man of whom I see an indistinct outline, but not sufficient to enable me to say whether he is tall or short, black or white, but merely that he has the human form.

To take another illustration. When the words 'House of Commons' are pronounced, some one idea is called up first, and then perhaps another and another. It is quite a matter of accident what the first idea may be. It may be the Speaker, or the mace, or the Sergeant-at-arms, or it may be Mr. Cobden making a certain speech in the House of Commons, which I heard him

make, and in which, from having consumed much time and labour in furnishing the materials of an important portion of it, I took a particular interest. But I cannot see that by any process of association of ideas the words call up to me not only the ideas of all the individual members of that House whom I have personally known, but likewise all those who are known to me by the history of the last five hundred years. The word 'indistinctness' serves to explain the difficulty which puzzled the Realists and the Nominalists, the former seeking the explanation in a very simple idea, the latter in no idea at all. Neither does the general name call up, as far as I can see, 'an indefinite number of ideas,'[1] as James Mill says, but merely *one indistinct* idea. And this very indistinctness is the characteristic of that idea which renders it fit to perform its business.

A comparison of James Mill's 'Essay on Government' with Hobbes's political system suggests some curious reflections. If, as has been asserted by a writer of authority, Mr. J. S. Mill, history is of no use towards political science without the principles of human nature to explain it, how comes it, it may be asked, that Hobbes and James Mill, who found their political systems on the same system of morals, namely the selfish system,[2] as it is termed in contradistinction to the sentimental system, of morals, should have come to such different conclusions? I can see no other explanation of this difference but that James Mill, though he professes to reason not from history

[1] Analysis, ii. 207.

[2] Hobbes says (De Corpore Politico, p. 194) 'every man's end being some good to himself;' and the objection made to James Mill's Essay on Government is that it is based on the proposition that the actions of men in power are determined by their personal interest.

but from human nature, had a more extensive and more accurate knowledge of history than Hobbes; for the principles of human nature assumed by both were not different, but the same or nearly so. Moreover Hobbes's moral system could not, according to the assertion of Sir James Mackintosh, have been established for the sake of his political; since, as James Mill observes, 'there is no peculiar fitness, in what is called the selfish system of morals, to form the groundwork of the despotic system of government. The sentimental system of morals is far better adapted to that end, and far more frequently worked with a view of its accomplishment.'[1] We are thus led to the conclusion that the difference between the results obtained by James Mill in his speculations on government and the results obtained by Hobbes arose from the difference in their knowledge of historical truth. Mill indeed says in his 'Essay on Government,' that the evidence of history is inconclusive, and proceeds to draw his conclusions from the selfish system of morals; which Mr. J. S. Mill objects to, as well as Sir James Mackintosh and Lord Macaulay. It is a complicated problem; and if we cannot hope for a complete solution of it, some of the considerations connected with it may tend to show that James Mill was nearly as far as Hobbes had been from setting the question of government at rest for ever.

James Mill, in his 'Essay on Government,' after stating the argument in favour of monarchy, that the smaller the number of hands to which the powers of government are committed, the less are the members of the community

[1] Mill's Fragment on Mackintosh, p. 38.

liable to plunder and oppression, and that an oligarchy, therefore, is better than an aristocracy, and a monarchy better than either, thus proceeds:—

'This view of the subject deserves to be more carefully considered, because the conclusion to which it leads is the same with that which has been adopted and promulgated by some of the most profound and most benevolent investigators of human affairs. That government by one man, altogether unlimited and uncontrolled, is better than government by any modification of aristocracy, is the celebrated opinion of Hobbes, and of the French *Economists*, supported on reasonings which it is not easy to controvert. Government by the many they considered an impossibility. They inferred, therefore, that, of all the possible forms of government, absolute monarchy is the best.

'Experience, if we look only at the outside of the facts, appears to be divided on this subject. . . . . As the surface of history affords, therefore, no certain principle of decision, we must go beyond the surface, and penetrate to the springs within.

'When it is said that one man, or a limited number of men, will soon be satiated with the objects of desire, and, when they have taken from the community what suffices to satiate them, will protect its members in the enjoyment of the remainder, an important element of the calculation is left out. Human beings are not a passive substance. If human beings, in respect to their rulers, were the same as sheep in respect to their shepherd; and if the king, or the aristocracy, were as totally exempt from all fear of resistance from the people, and all chance of obtaining more obedience from severity, as the shepherd in the case of

the sheep, it does appear that there would be a limit to the motive for taking to one's self the objects of desire. The case will be found to be very much altered when the idea is taken into the account, first, of the resistance to his will which one human being may expect from another; and secondly, of that perfection in obedience which fear alone can produce.

'That one human being will desire to render the person and property of another subservient to his pleasures, notwithstanding the pain or loss of pleasure which it may occasion to that other individual, is the foundation of government. The desire of the object implies the desire of the powers necessary to accomplish the object. The desire, therefore, of that power which is necessary to render the persons and properties of human beings subservient to our pleasures, is a grand governing law of human nature.

'What is implied in that desire of power, and what is the extent to which it carries the actions of men, are the questions which it is necessary to resolve, in order to discover the limit which nature has set to the desire, on the part of a king or an aristocracy, to inflict evil upon the community for their own advantage.'

Mill then goes through an analysis which tends to the conclusion that it is not true that there is, in the mind of a king, or in the minds of an aristocracy, any point of saturation with the objects of desire. 'We have seen,' he says, 'that the very principle of human nature upon which the necessity of government is founded, the propensity of one man to possess himself of the objects of desire at the cost of another, leads on, by infallible sequence, where power over a community is attained,

and nothing checks, not only to that degree of plunder which leaves the members (excepting always the recipients and instruments of the plunder) the bare means of subsistence, but to that degree of cruelty which is necessary to keep in existence the most intense terror.'

Mill then comes to the further conclusion that the only remedy is in the doctrine of checks; that the representative system, 'the grand discovery of modern times,' he calls it truly, alone furnishes efficient checks against bad, and efficient securities for good government. In another of his works James Mill says that 'Plato, seeing clearly the necessity of identifying the interests of the guardians [or governors] with the interests of the guarded [or governed], bent the whole force of his penetrating mind to discover the means of effecting such identification; but being ignorant, as all the ancients were, of the divine principle of representation, found himself obliged to have recourse to extraordinary methods.'[1]

Hobbes's 'Leviathan' was attacked chiefly by republican and sacerdotal opponents. 'Every young churchman-militant,' says Warburton, 'would try his arms in thundering on Hobbes's steel cap.'[2] James Mill's 'Essay on Government' has been assailed by opponents quite as formidable as any of those who tried their arms in thundering on Hobbes's steel cap. One of these was Sir James Mackintosh; another was Mr. T. B. Macaulay, afterwards Lord Macaulay.

Sir James Mackintosh says:—'Mr. Mill derives the whole theory of government from the single fact that every man pursues his own interest, when he knows it;

[1] Fragment on Mackintosh, p. 289.
[2] Divine Legation, vol. ii. p. 9, *preface.*

which he assumes to be a sort of self-evident practical principle, if such a phrase be not contradictory. That a man's pursuing the interest of another, or indeed any other object in nature, is just as conceivable as that he should pursue his own interest, is a proposition which seems never to have occurred to this acute and ingenious writer. Nothing, however can be more certain than its truth, if the term interest be employed in its proper sense of general well-being, which is the only acceptation in which it can serve the purpose of his arguments. If indeed the term be employed to denote the gratification of a predominant desire, his proposition is self-evident, but wholly unserviceable in his argument; for it is clear that individuals and multitudes often desire what they know to be most inconsistent with their general welfare. A nation, as much as an individual, and sometimes more, may not only mistake its interest, but, perceiving it clearly, may prefer the gratification of a strong passion to it. The whole fabric of his political reasoning seems to be overthrown by this single observation; and instead of attempting to explain the immense variety of political facts, by the simple principle of a contest of interest, we are reduced to the necessity of once more referring them to that variety of passions, habits, opinions, and prejudices, which we discover only by experience.

In a note Sir James Mackintosh says: 'The same mode of reasoning has been adopted by the writer of a late criticism on Mr. Mill's Essay. See Edinburgh Review, No. XCVII., March 1829.'

The criticism referred to is by Mr., afterwards Lord Macaulay; and though it was not republished by the author himself, he says in the preface to the essays pub-

lished by himself, that he is 'not disposed to retract a single doctrine which that criticism contains.'

Lord Macaulay has thus announced his views as to the proper method of philosophising on this subject:—

'How, then, are we to arrive at just conclusions on a subject so important to the happiness of mankind? Surely by that method which, in every experimental science to which it has been applied, has signally increased the power and knowledge of our species,—by that method for which our new philosophers would substitute quibbles scarcely worthy of the barbarous respondents and opponents of the middle ages,—by the method of Induction;—by observing the present state of the world,—by assiduously studying the history of past ages,—by sifting the evidence of facts,—by carefully combining and contrasting those which are authentic,—by generalizing with judgment and diffidence,—by perpetually bringing the theory which we have constructed to the test of new facts,—by correcting, or altogether abandoning it, according as those new facts prove it to be partially or fundamentally unsound. Proceding thus,—patiently,—diligently,—candidly,—we may hope to form a system as far inferior in pretension to that which we have been examining, and as far superior to it in real utility, as the prescriptions of a great physician, varying with every stage of every malady, and with the constitution of every patient, to the pill of the advertising quack, which is to cure all human beings, in all climates, of all diseases.'

And again:—

'The latent principle of good government ought to be tracked, as it appears to us, in the same manner in which Lord Bacon proposed to track the principle of heat.

Make as large a list as possible, said that great man, of those bodies in which, however widely they differ from each other in appearance, we perceive heat; and as large a list as possible of those which, while they bear a general resemblance to hot bodies, are nevertheless not hot. Observe the different degrees of heat,' &c.

But, as General Perronet Thompson has said, in the Westminster Review, No. XXIII., January 1830, 'there is no need for going through all that has been said by the great man. The latent principle had been tracked by Mr. Mill long ago, and uttered in one word, 'check.' It consists in the possession of the virtual power of interference on the part of the governed.'

There is also the less need, inasmuch as the great man was by no means eminently successful in the application of his own precepts in the matter of Induction. We have been told by Lord Macaulay about the utility of the prescriptions of a great physician; and that reminds us of the opinion of a great physician and philosopher, of whom Hobbes said 'he is the only man, perhaps, that ever lived to see his own doctrine established in his lifetime,'[1] which does not quite agree with that of Lord Macaulay respecting the great man, his brother peer. Dr. William Harvey, the discoverer of the circulation of the blood, 'had been physician to the Lord Chancellor Bacon, whom he esteemed much for his wit and style, but would not allow him to be a great philosopher. Said he to me, "He

[1] Aubrey's Lives, vol. ii. p. 383. Aubrey's words are 'as Mr. Hobbes says in his book De Corpore.' There is an allusion to Harvey in Hobbes's work De Corpore (not his work De Corpore Politico) Latin Works, vol. i. p. 201; but Hobbes says nothing there like the words which Aubrey here imputes to him. Aubrey probably had heard Hobbes say this in conversation.

writes philosophy like a Lord Chancellor," speaking in derision.'[1]

Harvey did not need Bacon's precepts to teach him to philosophise any more than Hobbes and Newton needed them to teach them to philosophise; and as he saw that Bacon's own attempts 'to track the principle of heat' were very far from being so successful as his own attempts to track the principle of the circulation of the blood, he probably underrated the value of Bacon's precepts. But he did not in this evince a greater misapprehension of the true value of Bacon's precepts than Sir James Mackintosh and Lord Macaulay, to whose appeals to the authority of Bacon the following observations are strikingly applicable.

'The laws of the phenomena of society are, and can be, nothing but the laws of the actions and passions of human beings united together in the social state. Men, however, in a state of society, are still men; their actions and passions are obedient to the laws of individual human nature. Men are not, when brought together, converted into another kind of substance, with different properties; as hydrogen and oxygen are different from

[1] Aubrey's Lives, vol. ii. p. 381. It is observable that Hobbes quotes Galileo and Harvey; but I have never met, to the best of my recollection, with any reference to Bacon in the writings of Hobbes, who had sometimes acted as Bacon's amanuensis. 'The Lord Chancellor Bacon,' says Aubrey, 'loved to converse with him [Hobbes]. He assisted his lordship in translating several of his essays into Latin; one I well remember is that, Of the Greatness of Cities: the rest I have forgot. His lordship was a very contemplative person, and was wont to contemplate in his delicious walks at Gorambery, and dictate to Mr. Bushell, or some other of his gentlemen, that attended him with ink and paper ready to set down presently his thoughts. His lordship would often say that he better liked Mr. Hobbes's taking his thoughts than any of the others, because he understood what he wrote, which the others not understanding, my lord would many times have a hard task to make sense of what they writ.'—*Aubrey's Lives*, vol. ii. pp. 602, 603.

water, or as hydrogen, oxygen, carbon, and azote, are different from nerves, muscles, and tendons. Human beings in society have no properties but those which are derived from, and may be resolved into, the laws of the nature of individual man. In social phenomena the Composition of Causes is the universal law.

'Now, the method of philosophising which may be termed chemical overlooks this fact, and proceeds as if the nature of man as an individual were not concerned at all, or concerned in a very inferior degree, in the operations of man in society. All reasoning in politics or social affairs, grounded upon principles of human nature, is objected to by reasoners of this sort, under such names as "abstract theory." For governing their opinions and conduct, they profess to demand, in all cases without exception, specific experience.

'This mode of thinking is not only general with practitioners in politics, and with that very numerous class who (on a subject which no one, however ignorant, thinks himself incompetent to discuss[1]) profess to guide themselves by common sense rather than by science, but is often countenanced by persons with greater pretensions to instruction, persons who having sufficient acquaintance with books and with the current ideas to have heard that Bacon taught men to follow experience, and to ground their conclusions upon facts instead of metaphysical

[1] 'The lawyer, with great gravity, delivered himself as follows:—"If the case be put of a partridge, there can be no doubt but an action would lie: for though that be *ferœ naturæ*, yet being reclaimed, property vests; but this being the case of a singing-bird, though reclaimed, as it is a thing of a base nature, it must be considered as *nullius in bonis*." "Well," says the squire, "if it be *nullus bonus*, let us drink about, and talk a little of the state of the nation, or some such discourse that we all understand."'—*Fielding's Tom Jones.*

dogmas, think that by treating political facts in as directly experimental a method as chemical facts, they are showing themselves true Baconians, and proving their adversaries to be mere syllogisers and schoolmen.' [This is precisely what Lord Macaulay charges upon James Mill in the passage quoted above.] 'As, however, the notion of the applicability of experimental methods to political philosophy cannot coexist with any just conception of these methods themselves, the kind of arguments from experience which the chemical theory brings forth as its fruits (and which form the staple, in this country especially, of parliamentary and hustings oratory), are such as, at no time since Bacon, would have been admitted to be valid in chemistry itself, or in any other branch of experimental science.'

The writer then proceeds to show that in the Social Science experiments are impossible; that the Method of Difference is inapplicable; that the Methods of Agreement and of Concomitant Variations are inconclusive; that the Method of Residues is also inconclusive; and thus concludes:—

'Since the generality of those who reason on political subjects, satisfactorily to themselves and to a more or less numerous body of admirers, know nothing whatever of the methods of physical investigation beyond a few precepts, which they continue to parrot after Bacon, being entirely unaware that Bacon's conception of scientific inquiry has done its work, and that science has now advanced into a higher stage, there are probably many to whom such remarks as the foregoing may still be useful. In an age in which chemistry itself when attempting to deal with the more complex chemical sequences, those of

the animal or even the vegetable organism, has found it necessary to become, and has succeeded in becoming, a Deductive Science, it is not to be apprehended that any person of scientific habits who has kept pace with the general progress of the knowledge of nature, can be in danger of applying the methods of elementary chemistry to explore the sequences of the most complex order of phenomena in existence.'[1]

But objections have been taken to James Mill's 'Essay on Government' by a much abler man than either Sir James Mackintosh or Lord Macaulay. Mr. John Stuart Mill, who has, in the chapter of his 'Logic' from which the preceding extract is taken, so conclusively demonstrated the futility of applying the methods of elementary chemistry to the investigation of the science of government, has devoted the next chapter of his great work to what he has styled the geometrical method of philosophising in the social science. This chapter thus commences :—

'The misconception discussed in the preceding chapter is, as we said, chiefly committed by persons not much accustomed to scientific investigation ; practitioners in politics, who rather employ the commonplaces of philosophy to justify their practice, than seek to guide their practice by philosophic principles ; or imperfectly educated persons, who, in ignorance of the careful selection and elaborate comparison of instances required for the formation of a sound theory, attempt to found one upon a few coincidences which they have casually noticed.

[1] J. S. Mill's Logic, vol. ii. pp. 537, 538, and 548, 1st edition, London, 1843 ; vol. ii. pp. 466, 467, 474, 475, 7th edition, London, 1868.

'The erroneous method of which we are now to treat is, on the contrary, peculiar to thinking and studious minds. It never could have suggested itself but to persons of some familiarity with the nature of scientific research, who, being aware of the impossibility of establishing, by casual observation or direct experimentation, a true theory of sequences so complex as are those of the social phenomena, have recourse to the simpler laws which are immediately operative in those phenomena, and which are no other than the laws of the nature of the human beings therein concerned. These thinkers perceive (what the partisans of the chemical or experimental theory do not) that the science of society must necessarily be deductive. But, from an insufficient consideration of the specific nature of the subject-matter, and often because (their own scientific education having stopped short in too early a stage) geometry stands in their minds as the type of all deductive science, it is to geometry, rather than to astronomy and natural philosophy, that they unconsciously assimilate the deductive science of society.'[1]

Mr. J. S. Mill then, after shortly noticing those reasoners (including Hobbes) who had treated social facts according to geometrical methods, proceeds to what he terms 'the most remarkable example afforded by our own times of the geometrical methods in politics, the interest-philosophy of the Bentham school.' These philosophers he thus describes:—'The profound and original thinkers who are commonly known under this description founded their general theory of government upon one comprehensive premise, namely, that men's

[1] Mill's Logic, vol. ii. p. 476, 7th edition.

actions are always determined by their interests.'[1] He then adds that the word 'interest' must be understood to mean what is commonly termed private, or wordly interest.

It will be unnecessary to enter into the consideration of the arguments used by Mr. J. S. Mill in this place; because in his subsequent work, 'Considerations on Representative Governments,' p. 55, he has used words which are conclusive of the whole question. The words are these: 'Whenever it ceases to be true that mankind, as a rule, prefer themselves to others, and those nearest to them to those more remote.' So true is this that even under the most improved form of representative government yet known it may be said that good government is impossible, as far as experience has yet proved. Under the latest reforms of the British parliament, those members of parliament who vote with the government, and some who do not, but have powerful tongues, exert their parliamentary interest to put incompetent persons into places of profit and trust, provided such incompetent persons are nearer to them than competent persons who are passed over. We may reckon the average number of such members of parliament at more than 200; so that saturation under the representative system cannot be a very easy matter.

It is contended that the remedy against these evils and infirmities of representative government would be a rule that the first admission to government employment shall be decided by competitive examination; and the result of the trying examinations for honours at Oxford and Cambridge is cited in support of the argument. The

[1] Mill's Logic, vol. ii. p. 479, 7th edition.

general effect of high university honours on a man is to make him a prig for life. I say the general effect, for there are of course exceptions. But this result produces a quite sufficiently large annual crop of stunted pedants and prigs without adding to their number an annual crop of government clerks. Let us see what competitive examination has done, that we may judge of what further it is likely to do. The brilliant idea announced by M. Comte in regard to the study of biology, of manufacturing philosophers by drawing together, as moths are drawn to the flame of a candle, all the remarkable calculating [1] boys of a nation, and then scouring their brains by competitive examinations, has been reduced to practice in the case of the university of Cambridge for somewhat more than a century; and the result has been of course a large production of calculating boys. But during that time has Cambridge produced any physiologist equal to Harvey, any metaphysician or psychologist equal to Hartley, or any mathematician and natural philosopher equal to Newton? Or has Oxford produced any political philosopher equal to Adam Smith? The men who have done great things, the men who have produced such works as the 'Principia' and the 'Wealth of Nations,' did not when young have their brains scoured by competitive examinations, but were left to pursue their studies according to the bent of their own minds, to read the authors their natural genius led them to read, and to make their own reflections at their leisure as they read

[1] The distinction between computing or calculating and thinking was pointed out by Berkeley, who was more of a mathematician than most metaphysicians.—See a note near the end of the essay on Hobbes. Hobbes, on the other hand, was so little of a mathematician, that Wallis, with whom he had a long controversy, said of something that it was as difficult as it was to make Mr. Hobbes understand mathematics.

in marginal notes, as Newton did with regard to the 'Geometria' of Descartes and the 'Arithmetica Infinitorum' of Wallis; and as Adam Smith did with regard to Hume's 'Treatise of Human Nature.' It is very probable that Adam Smith would have been beaten in competitive examination by men without a particle of his genius; and even Newton, notwithstanding his wonderful quickness of apprehension in mathematical science, might have been beaten and thereby discouraged for life by competitors possessing the extraordinary rapidity that distinguishes the tribe of remarkable calculating boys.

The question as between monarchical and representative government may be stated thus. In a representative government there is little or no hope of so good a minister as Turgot; and there is little or no fear of so bad a minister as Richelieu or Mazarin, or as Buckingham or Strafford. The conditions necessary to power in a representative assembly almost preclude the possibility of the prime minister's being a man possessed of the highest qualities of statesmanship; and it is an old observation that one of the incidents of free governments is that the highest places in them fall to men in whom great powers of speech are united to small powers of judgment. And even though the 'tongue' may have 'a garnish of brains,' the 'tongue with a garnish of brains' may, as in the case of Burke,[1] be placed in the official scale far below the tongue without a garnish of brains. Nevertheless it is better to suffer this evil than the far greater curse of submission to some tyrant, whether capable or incapable, who insists on putting down all

[1] 'Our Burke shall be tongue, with a garnish of brains.'—Goldsmith's Retaliation.

opinions but his own, on doing himself all the thinking of the community, and on corrupting and degrading a whole nation in order to serve his purposes.

James Mill sometimes used very happy and apposite illustrations. Thus in his article 'Colony,' in the Encyclopædia Britannica, he says: 'Sancho Panza had a scheme for deriving advantage from the government of an island. He would sell the people for slaves, and put the money in his pocket.' And in his 'Fragment on Mackintosh' he says: 'Mr. Peter Pounce, in a discussion with Parson Adams, established the superior merit of good feelings over good acts; which, or the consequences of which, Sir James Mackintosh treats as "cold, uncertain, dependent, and precarious." "Sir," said Adams, "my definition of charity is a generous disposition to relieve the distressed." "There is something in that definition," answered Peter, "which I like well enough; it is, as you say, a disposition; and does not so much consist in the act as in the disposition to do it."'

While it must be admitted that there is a certain amount of truth in Lord Macaulay's remark that 'Mr. Mill's history, though it has undoubtedly great and rare merit, is not sufficiently animated and picturesque to attract those who read for amusement,' there is a remark of James Mill himself upon the 'Report from the Committee of the House of Commons appointed to inspect the Lords' Journals in relation to their Proceedings on the Trial of Warren Hastings,' which describes with great accuracy the peculiar qualities of his 'History of British India.' James Mill thus estimates the value of the work performed in the report referred to: 'The view is incomplete, and but superficial, which Mr. Burke, who was the

author of the document, takes, even of that small portion of the mass of abuses of which he had occasion to complain. He neither stretched his eye to the whole of the subject, nor did he carry its vision to the bottom.' Tried by this standard, Mill's 'History of British India' possesses a very high degree of merit; 'has undoubtedly,' to borrow Lord Macaulay's words, 'great and rare merit.' And that merit consists in this. James Mill had studied legislative and political philosophy far more profoundly than any other historian has yet done; and his powerful and comprehensive mind, stretching its vision over the whole extent of his subject and also penetrating to the bottom of it, saw distinctly and described accurately all those objects, and those only, which were to serve as means to the end he had in view; namely, 'to convey correct and adequate ideas of the British empire in India, and of the transactions through which it was acquired.' The terms in which Mill and Macaulay respectively speak of Francis present an instructive example of what is meant by the words above quoted, that Mill's history is 'not sufficiently animated to attract those who read for amusement.' Mill's narrative of the disputes between Francis and Hastings is certainly not so amusing as that of Lord Macaulay. Mill is guarded in his conclusions, carefully weighes the evidence on both sides of a question, and would be most unlikely to make such an assertion as that his 'firm belief is that Francis was the author of the "Letters of Junius;"' and that if the argument by which he has satisfied himself 'does not settle the question, there is an end of all reasoning on circumstantial evidence.' No doubt this is the sort of writing which 'attracts those who read for amusement.' Those who read for amuse-

ment like to be saved the trouble of thinking; and this is the sort of writing which performs that service for them. What if Francis should turn out—as he is very likely to do—not to be the author of the 'Letters of Junius?' In that case, according to Lord Macaulay, 'there is an end of all reasoning on circumstantial evidence.' But what does that mean? For the meaning or the purport of the words of some writers who at first sight appear to be very clear, when looked closely into, is found to be very far from clear.

ESSAY IV.

HUME.

THE results of an attempt, which has occupied much time, labour, and thought, to evolve historical truth from a careful and impartial weighing and sifting of evidence, have tended to demonstrate to me that to some cases, at least, the remark of Hume is applicable, that 'if truth be at all within the reach of human capacity it is certain it must lie very deep and abtruse.'[1] It is very remarkable that Hume himself should have acted so little in conformity with the opinion he thus expressed. From his extreme carelessness or indifference as to the accuracy of his statements, I am inclined to think that there are few

[1] Hume's Treatise of Human Nature, vol. i. p. 3. It is necessary, in justice to Hume, to say that I do not find these words in the new form into which he cast his Treatise of Human Nature, under the titles of An Inquiry concerning the Human Understanding, An Inquiry concerning the Principles of Morals, and The Natural History of Religion. These form the 2nd volume of his Essays and Treatises, a new edition of which, in two vols., was published at Edinburgh in 1825. In an advertisement prefixed to the 2nd volume, the Treatise of Human Nature is described as a 'juvenile work which the author never acknowledged;' and the advertisement concludes thus:—'Henceforth the author desires that the following pieces may alone be regarded as containing his philosophical sentiments and principles.' I am inclined to think that the following words in the 4th section of the Inquiry concerning the Human Understanding (Hume's Essays, vol. ii. p. 31) correspond to the words quoted in the text from the Treatise of Human Nature, 'It must certainly be allowed that Nature has kept us at a great distance from all her secrets;' and that Hume, while he thought that philosophical truth lay very deep, either thought that historical truth lay on the surface, or was indifferent about it.

modern works of any pretensions that contain more examples of false generalisation than his. This remark is by no means confined to his treatment of modern, particularly English, history. His essays contain innumerable instances of conclusions drawn from false premises with regard to ancient as well as modern history.

Nor was this confined to historical subjects. Some of his essays contain strange contradictions and inconsistencies. Thus, in his section on 'The Reason of Animals,' though the beginning of the section is devoted to showing 'that animals, as well as men, learn many things from experience, and infer that the same events will always follow from the same causes,' towards the end of the same section he says: 'Though the instinct be different, yet still it is an instinct which teaches a man to avoid the fire, as much as that which teaches a bird with such exactness the art of incubation and the whole economy and order of its nursery.'[1] A man avoids the fire, not by instinct, but by an act of reasoning from experience. Instinct does not tell him, nor does he know, that fire will burn him till he has made the experiment, as is expressed in the common proverb, 'a burnt child dreads the fire.' Consequently this is not a case of instinct in men, nor is it in beasts. A burnt cat dreads the fire and avoids it in future, as well as a burnt child. A burnt moth is destroyed in making the experiment, if not with the fire, with the candle; consequently, never profits by that experiment. Hume's essay on 'The Original Contract' affords another example of just observations in startling contrast with assertions unsupported by any evidence and involving many assumptions and contradictions.

[1] Hume's Essays, vol. ii. p. 108, 2 vols. 8vo. Edinburgh, 1825.

In his essay 'Of Civil Liberty' Hume says: 'I am apt to entertain a suspicion that the world is still too young to fix many general truths in politics which will remain true to the latest posterity. We have not yet had experience of three thousand years; so that not only the art of reasoning is still imperfect in this science, as in all others, but we even want sufficient materials upon which we can reason. It is not fully known what degree of refinement, either in virtue or vice, human nature is susceptible of, nor what may be expected of mankind from any great revolution in their education, customs, or principles. Machiavelli was certainly a great genius; but, having confined his study to the furious and tyrannical governments of ancient times, or to the little disorderly principalities of Italy, his reasonings, especially upon monarchical government, have been found extremely defective; and there scarcely is any maxim in his 'Prince' which subsequent experience has not entirely refuted.'[1]

David Hume was, like Machiavelli, a man of genius. His mind was one of great power and originality. He was a most acute and even subtle reasoner. It has been said that the object of his reasonings was not to attain truth, but to show that it was unattainable. I am inclined to think that his frequent failures in attaining truth are rather attributable to a bad habit he had acquired, through indolence, of carelessness or indifference about the accuracy of his facts. Indeed, those conclusions which are not true or are defective, like Machiavelli's, on political subjects, can often only be avoided by great labour and careful and accurate observation. We should not know, if it were not for the minutes of the proceedings

[1] Hume's Essays, vol. i. p. 81, Edinburgh, 1825.

of the Council of State of the Commonwealth of England, the inaccuracy of the assertions made by politicians and political writers respecting the number of members of which a Cabinet or Executive Council of State ought to consist—assertions which form an instructive example of the truth of a remark of David Hume, 'That where men are the most sure and arrogant, they are commonly the most mistaken.'[1]

That David Hume, though he might be an acute and subtle reasoner, was a careless and inaccurate observer, appears from his essay 'Of Civil Liberty' before referred to. In that essay he says: 'But though all kinds of government be improved in modern times, yet monarchical government seems to have made the greatest advances towards perfection. It may now be affirmed of civilised monarchies, what was formerly said in praise of republics alone, *that they are a government of laws, not of men.*[2] They are found susceptible of order, of method, and constancy, to a surprising degree. Property is there secure; industry encouraged; the arts flourish; and the prince lives secure among his subjects, like a father among his children.'[3]

These remarks, and many more to the same effect, show in Hume a very great ignorance of the real condition of the great body of the people in France at that time, some fifty years before the French Revolution. This ignorance is the more surprising, as Hume had lived several years in France. The writings of Turgot, of Mirabeau the Elder, of Arthur Young, and many others,[4] show the

[1] Hume's Essays, vol. ii. p. 315, Edinburgh, 1825.

[2] The italics are in the original. [3] Hume's Essays, vol. i. p. 87.

[4] Among these I may mention Bishop Berkeley, from whose letters I give one or two extracts which are very significant as to the condition of France,

inaccuracy of Hume's account of the state of France, where, according to him, 'the prince lives secure among his subjects, like a father among his children.' Hume saw nothing but security, prosperity, and content. The elder Mirabeau saw the portent, the black foreshadowing of a great social and political convulsion; of a revolution that would sadly belie Hume's rose-coloured picture of paternal government.

Hume begins his essay on the question 'whether the British Government inclines more to absolute monarchy or to a republic' with the remark 'that no prudent man, however sure of his principles, dares prophecy concerning any event, or foretell the remote consequences of things.'[1] Nevertheless, he concludes his essay by doing what he says, at the beginning, that no prudent man dares to do.

and present a picture the reverse of Hume's. In a letter to Mr. Thomas Prior, dated Paris, Nov. 25, 1713 (N.S.), Berkeley says:—'I have some reasons to decline speaking of the country or villages that I saw as I came along.' And in another letter to the same person, dated Leghorn, Feb. 26, 1714 (N.S.), he says:—'I shall not anticipate your pleasure by any description of Italy or France. Only, with regard to the latter, I cannot help observing that the Jacobites have little to hope, and others little to fear, from that reduced nation. The king, indeed, looks as though he wanted neither meat nor drink, and his palaces are in good repair; but throughout the land there is a different face of things.' He mentions in the letter first quoted a fact in strong contrast with the present speed of travelling:—'I embarked at Calais on Nov. 1 in the stage-coach, and that day sennight came to Paris.' And in another letter, dated Turin, Jan. 6, 1714 (N.S.), he says:—'Savoy was a perpetual chain of rocks and mountains almost impassable for ice and snow. And yet I rode post through it, and came off with only four falls, from which I received no other damage than the breaking my sword, my watch, and my snuff-box. On new year's day we passed Mount Cenis. We were carried in open chairs by men used to scale these rocks and precipices. My life often depended on a single step.'—Berkeley's Letters prefixed to the 1st vol. of his works. Berkeley's wearing a sword, as appears from this extract, might lead to the inference that he was not then in holy orders, were it not that he was then travelling to Italy 'in quality,' as he says himself in a letter to Pope, dated Leghorn, May 1, 1714, 'by the favour of my good friend the Dean of St. Patrick's (Swift), of chaplain to the earl of Peterborough.'

[1] Hume's Essays, vol. i. p. 42, Edinburgh, 1825.

He prophecies concerning the death of the British constitution, which he says will terminate in an absolute monarchy. And as far as can yet be seen, I think it may be said of Hume what Hume has said of Machiavelli, that his reasonings, especially upon monarchical government, have been found extremely defective. However, Hume had not the great facts of the American and French revolutions to guide his conclusions; and he might, with more probability of being right, prophecy that the general progress was towards absolute monarchy; while political writers who have lived after those revolutions have come to a different conclusion, and said that the general progress was towards democracy.

Hume is not responsible for not knowing the future, but he is responsible for not knowing, while he professed to know, the past. If Hume had possessed even a very moderate acquaintance with the history of Europe during the sixteenth and seventeenth centuries, though he might not know 'what degree of refinement, either in virtue or vice, human nature is susceptible of,' he would have learnt, by a careful study of the reigns of such kings as Philip II. of Spain and James VI. of Scotland and I. of England, and of the lives of such men as Pope Alexander VI. and his son Cæsar Borgia, that human nature, even in that early age of the world, when the world according to him was 'still too young to fix many general truths in politics,' was susceptible of a considerable degree of refinement in vice, at least, if not in virtue.

Notwithstanding the remark at the beginning of this essay as to the many examples of false generalisation furnished by his works, Hume's mind was one of such power and fertility that, as Hobbes saw farther into the texture

of human thought than all who had gone before him, Hume saw farther than any who had gone before *him.* Hume, says James Mill, 'pointed out three great laws or comprehensive sequences. Ideas followed one another, he said, according to *resemblance*, *contiguity* in time and place, and *cause and effect.* The last of these, the sequence according to cause and effect, was very distinctly conceived, and even the cause of it explained, by Hobbes.[1] That of contiguity in time and place is thus satisfactorily explained by Hume. 'It is evident,' he says, 'that as the senses, in changing their objects, are necessitated to change them regularly and take them as they lie contiguous to each other, the imagination must, by long custom, acquire the same method of thinking, and run along the parts of space and time in conceiving its objects.'[2] This is a reference to one of the laws pointed out by Hobbes, namely, that the order of succession among the ideas follows the order that took place among the impressions. . . . Hume further remarked, that what are called our complex ideas are only a particular class of cases belonging to the same law—the law of the succession of ideas; every complex idea being only a certain number of simple ideas, which succeed each other so rapidly as not to be separately distinguished without an effort of thought. This was a great discovery; but it must at the same time be owned that it was very imperfectly developed by Hume. That philosopher proceeded, by aid of these principles, to account for the various phenomena of the human mind. But though he made some brilliant developments, it is nevertheless true that he did

[1] Human Nature, ch. iv.

[2] Treatise on Human Nature, part i. book i. § 4.

not advance very far in the general object. He was misled by the pursuit of a few surprising and paradoxical results, and when he had arrived at them he stopped.'[1]

Again, James Mill says, in his 'Analysis of the Human Mind,' 'Names to mark the antecedent and consequent in all constant successions were found indispensable. Cause and Effect are the names we employ. In all constant successions, Cause is the name of the antecedent, Effect the name of the consequent. And, besides this, it has been proved by philosophers that these names denote absolutely nothing.'[2] The writer adds in a note that this has been proved 'chiefly by Dr. Brown, of Edinburgh, in a work entitled "Inquiry into the Relation of Cause and Effect;" one of the most valuable contributions to science for which we are indebted to the last generation.'

Now it may be observed, as one example of the fertility of Hume's mind, which, like Hobbes's, often threw out, in a sentence or two, and in the course of other inquiries, new ideas which might have formed the subject of volumes, that Hume, in the eighth section of his 'Enquiry concerning the Human Understanding,' a section on the subject of 'Liberty and Necessity,' has expressed in a single paragraph the conclusions of Brown's 'Inquiry into the Relation of Cause and Effect.' 'It seems evident,' says Hume, 'that if all the scenes of nature were continually shifted in such a manner that no two events bore any resemblance to each other, but every object was entirely new, without any similitude to whatever had been seen before, we should never, in that case, have attained the

[1] James Mill's Essay on Education, in the Encyclopædia Britannica.

[2] Analysis of the Phenomena of the Human Mind, vol. ii. p. 37, London, 1829.

least idea of necessity, or of a connection among these objects. We might say, upon such a supposition, that one object or event has followed another, not that one was produced by the other. The relation of cause and effect must be utterly unknown to mankind. Inference and reasoning concerning the operations of nature would, from that moment, be at an end; and the memory and senses remain the only canals by which the knowledge of any real existence could possibly have access to the mind. Our idea, therefore, of necessity and causation, arises entirely from the uniformity observable in the operations of nature; where similar objects are constantly conjoined together, and the mind is determined by custom to infer the one from the appearance of the other. These two circumstances form the whole of that necessity which we ascribe to matter. Beyond the constant *conjunction*[1] of similar objects, and the consequent *inference* from one to the other, we have no notion of any necessity of connection.'[2]

I think that this amounts precisely to the conclusion above expresssed by James Mill as proved by Brown, that, in all constant successions, besides this, that Cause is the name of the antecedent, Effect the name of the consequent, the words Cause and Effect denote absolutely nothing.

I am inclined to infer, from a close examination of Hume's philosophical writings, that Hume saw farther than has been supposed by James Mill, who has quoted, as has been seen, Hume's 'Treatise of Human Nature,' whereas Hume has said in the advertisement that he

[1] The two words, *conjunction* and *inference*, are in italics in the original.
[2] Hume's Essays, vol. ii. pp. 82, 83, Edinburgh, 1825.

desires that the treatises he published under the titles of '"An Inquiry concerning the Human Understanding,' 'An Inquiry concerning the Principles of Morals,' and 'The Natural History of Religion,' 'may alone be regarded as containing his philosophical sentiments and principles.' Whether or not the world be yet too young, as Hume said, to fix many general truths in politics, it may now be considered old enough to have fixed a general truth, as regards matter, which has received the name of the law of gravitation, and a general truth, as regards mind, which has received the name of the law of association. In the work of establishing this law, Hume has done more than would be supposed from comparing the space allotted to the subject of association in Hume's work and in Hartley's. In the passage last quoted from Hume, the word 'association' does not once occur, and 'custom' is used, as I will show, in the sense of 'law of association.' It is remarkable that much about the same time and quite independently of each other Hume and Hartley came to the same conclusion respecting the idea of necessity. Hartley says in his Preface, dated 1748, 'I think that I cannot be called a system-maker, since I did not first form a system, and then suit the facts to it; but was carried on by a train of thoughts from one thing to another, frequently without any express design, or even any previous suspicion of the consequences that might arise. And this was most remarkably the case in respect of the doctrine of necessity, for I was not at all aware that it followed from that of association for several years after I had begun my inquiries, nor did I admit it at last without the greatest reluctance.' It would seem that though Hume saw the importance, to a

certain extent of the law of association of ideas, he only recognized the full extent of its importance under another name. I think the fate of Hume's 'Inquiry concerning the Human Understanding' might have been different if, instead of confining the section 'Of the Association of Ideas' to two pages, he had included under the same title the three following sections, headed respectively 'Sceptical Doubts concerning the Operations of the Understanding,' 'Sceptical Solution of these Doubts,' and 'Of the Idea of Necessary Connection.' Hume says:— 'Custom or habit is the great guide of human life. It is that principle alone which renders our experience useful to us, and makes us expect for the future a similar train of events with those which have appeared in the past. Without the influence of custom, we should be entirely ignorant of every matter of fact beyond what is immediately present to the memory and senses.'[1] It appears from the following passage that he uses the word 'custom' or 'habit,' 'customary transition of the imagination from one object to its usual attendant,' in a sense equivalent to 'the law of inseparable association,' also that he considers 'belief' as one of the results of that law.

'After a repetition of similar instances, the mind is carried by habit upon the appearance of one event, to expect its usual attendant, and to believe that it will exist. This connection, therefore, which we *feel* in the mind, this customary transition of the imagination from one object to its usual attendant, is the sentiment or impression from which we form the idea of power or necessary connection. Nothing further is in the case. Contemplate the subject on all sides; you will never find

[1] Hume's Essays, vol. ii. p. 44.

any other origin of that idea. The first time a man saw the communication of motion by impulse, as by the shock of two billiard-balls, he could not pronounce that the one event was *connected*, but only that it was *conjoined* with the other. After he has observed several instances of this nature, he then pronounces them to be *connected*. [The italics are in Hume.] What alteration has happened to give rise to this new idea of *connection?* Nothing, but that he now *feels* those events to be *connected* in his imagination.'[1] This shows how far Hume had advanced in appreciating the law of inseparable association.

It has been said by a great thinker, who has done far more than anyone else to raise philosophy from the low condition into which it had fallen in England, 'that a true psychology is the indispensable scientific basis of morals, of politics, of the science and art of education; that the difficulties of metaphysics lie at the root of all science; that those difficulties can only be quieted by being resolved; and that until they are resolved, positively whenever possible, but at any rate negatively, we are never assured that any human knowledge, even physical, stands on solid foundations.'[2]

Of those who have done most to give mankind a true instead of a false psychology; in other words, good instead of bad metaphysics, to counteract the bad effects of the false metaphysics of Descartes, of Leibnitz, of Spinoza, and of those modern schools, whether German

[1] Hume's Essays, vol. ii. pp. 75, 76.

[2] An Examination of Sir William Hamilton's Philosophy, by John Stuart Mill, 3rd edition, London, 1867, p. 2. Hume has an observation to the same effect: 'We must cultivate true metaphysics with some care in order to destroy the false.' He adds: 'Accurate and just reasoning is alone able to subvert that metaphysical jargon which gives to false philosophy the air of science and wisdom.'—*Hume's Essays*, vol. ii. pp. 10, 11.

or Scotch, which are essentially an emanation of the metaphysics of Descartes, two of the most distinguished are Hobbes and Hume. And this renders it the more important to mark carefully the distinction between the mental philosophy of those two philosophers and their political philosophy. I have attempted to do this in a preceding essay in the case of Hobbes. I will now attempt the same thing in regard to Hume. And I would here say, in reference to a remark of Mr. J. S. Mill on Hume towards the end of his 'Examination of Sir W. Hamilton's Philosophy,'[1] that my opinion is formed from reading the series of Hume's metaphysical essays straight through, instead of judging from a few detached expressions in a single essay; and that while agreeing so far with Mr. Mill that it is often impossible to be quite certain what the opinions of the free-thinking philosophers of the last century really were; how far the reservations they made, expressed real convictions or mere concessions to supposed necessities of position; that Hume's scepticism, or professed admiration of scepticism, might partly at least be intended rather to avoid offence than to conceal his opinion; and that having to promulgate conclusions which he knew would be regarded as contradicting on one hand the evidence of common sense, on the other the doctrines of religion, he did not like to declare them as positive convictions; I think that the words applied by Mr. Mill to Archbishop Whateley and to Dr. Brown describe David Hume; that Hume was an indolent reader, but an active and fertile thinker. This, I apprehend, is the key to the inconsistency—the apparent puzzle of Hume's character—his

[1] Pp. 626, 627, note, 3rd edition.

merits in mental philosophy and his defects in political philosophy and history.

I have quoted at the beginning of this essay Hume's remark, that if truth be at all attainable by man, its attainment must certainly be very difficult. It appears, however, that Hume considered all truth, except what might be attained by watching the operations of his own mind, as not worth the trouble of attaining. At least he gave himself no trouble to examine and weigh the evidence necessary to form a correct conclusion. I will here give one remarkable instance, which is, however, only one out of thousands. That instance is the decided opinion given of Hobbes by Hume, without having given himself the trouble to read thoroughly and with sufficient care Hobbes's writings.

The character Hume gives of Hobbes, in his 'History of England,' could hardly have been given by any man who had read Hobbes's writings. 'Hobbes's politics,' said Hume, 'are fitted only to promote tyranny, and his ethics to encourage licentiousness.' I have pointed out what appears to me the cause of the defects of Hobbes's ethics—a cause which has nothing whatever to do with the encouragement of licentiousness. And as for his politics being fitted to promote tyranny, that is a strange charge to come from Hume, who resembles Hobbes closely in the manner of speaking of tyrants, and indeed goes farther than Hobbes in discovering in them virtues which most men failed to discover. Thus Hume says of Charles I. and James II.: 'These were harmless, if not in their private character good men.'[1] If Hobbes's standard of morals was a strange one, Hume's was a still

[1] Hume's Essays, vol. i. p. 471, 2 vols. Edinburgh, 1825.

stranger, considering that he lived more than a century later than Hobbes. According to Hume, James I. was a most blameless character, and Charles I. and James II. were, in their private characters, good men.

To anyone who has read the writings of Hobbes and Hume, it must seem strange to find Hume charging Hobbes with 'a libertine system of ethics.' Whether Hume had really not read Hobbes, or only wished to speak unfavourably of an unfashionable name—for Hobbes's name, though fashionable in the reign of Charles II., was the reverse in that of George II.—his false character of Hobbes is too much in accordance with his own political speculations, as well as with those of Hobbes, to both of whom, in their political writings, may be applied the words of Hobbes with the substitution of 'truth' for 'reason,' that when truth was against them they were against truth.

Hume's character of Berkeley is open to a similar objection as his character of Hobbes—that it could hardly have been given by a man who had read Berkeley's writings.

The judgments of Hume on Hobbes and Berkeley evince a considerable amount of carelessness in regard to evidence. This carelessness or indifference becomes more remarkable when we turn from Hume the mental philosopher to Hume the historian and constructor of a political philosophy on fictions which he sets forth as facts. And this carelessness is the more remarkable when we compare it with a remark of his that 'the love of truth can never be carried to too high a degree.'[1]

In the first place, as regards his speculations respecting

[1] Essays, vol. ii. p. 41, Edinburgh, 1825.

the conclusions to be drawn from ancient history, assuming that Hume possessed a sufficiently accurate knowledge of the Greek language to turn to useful account what that language contains, let us see what are his opinions respecting the most valuable historical monuments or records. He calls 'Xenophon's expedition and Demosthenes's orations' 'the two most authentic pieces of all Greek history.'[1] Whatever may be the authenticity or authority of 'Xenophon's expedition,' he makes a great mistake in his assertion about 'Demosthenes's orations;' a mistake that presents in a very striking light the contrast between Hume's carelessness about historical truth and Mr. Grote's anxious and laborious care to obtain it as far as possible. I will quote from Mr. Grote's great work some passages which show that the speeches of the Greek orators are pretty much on a level, in the matter of historical truth, with the speeches of Queen Elizabeth,[2] of the Emperor Tiberius, or of the Protector Oliver Cromwell.

'The passages of these orators (Æschines, De Fals. Legat. c. 54, p. 300, and Andokides or the Pseudo-Andokides, De Pace, c. 1) involve so much both of historical and chronological inaccuracy, that it is unsafe to cite them, and impossible to amend them except by conjecture.'[3]

[1] Essays, vol. i. p. 532, Edinburgh, 1825.

[2] Queen Elizabeth's reputation for ability is due to the talent she displayed as a speaker, and to the praise she bestowed on herself in her speeches to her parliaments, when of course nobody dared to contradict her. Some forty years ago, a Chancery barrister going into the Court of Chancery just before the rising of the Court at the beginning of the long vacation, asked the usher if the business was over. 'Yes,' said the man, 'he has finished with the causes, and now he is praising himself.' The Chancellor referred to was a mighty man of tongue, as Queen Elizabeth was a mighty woman of tongue. But her talk in her speeches about her love for her people forms a strange contrast with her inhuman treatment, on all occasions, of her soldiers and seamen.

[3] Grote's History of Greece, vol. v. p. 450, note (1).

'The loose language of these orators (Demosthenes, Lykurgus, Isokrates) renders it impossible to determine what was the precise limit in respect of vicinity to the coast.'[1]

'The boastful and inaccurate authors of the ensuing century—orators, rhetors, and historians—indulged in so much exaggeration and untruth respecting this convention, that they have raised a suspicion against themselves.'[2]

'Indeed these orators (the Athenian) are perpetually misconceiving the facts of their past history.'[3]

'One among many specimens of the careless manner in which these orators deal with past history.'[4]

In the same note in which Hume's remark respecting Demosthenes's orations occurs, Hume says, 'Plutarch and Appian seem scarce ever to have read Cicero's epistles.'[5] If Plutarch seems scarce ever to have read Cicero's epistles, Hume may be at least as truly said 'scarce ever to have read' a collection of letters throwing more light on the history of the reign of Charles I. than Cicero's epistles threw on the latter years of the Roman republic. There is a tradition in the State Paper Office that when Hume was shown the vast mass of MSS. in that repository, he said that if he were to attempt to read them his history would never be written. But if Hume had read one half, or even one quarter, of the printed documents within his reach, he must have seen at least some part of the truth. The springs of the conduct of Laud and Straf-

[1] Grote's History of Greece, vol. v. p. 452, note (1).

[2] *Ibid.* p. 453. By 'rhetors' are meant the teachers of rhetoric, oratory, or eloquence.

[3] *Ibid.* p. 169, note.

[4] *Ibid.* p. 203, note.

[5] Hume's Essays, vol. i. p. 532, Edinburgh, 1825.

ford are laid open in a manner that few men's have ever been in the two large folio volumes of Strafford's 'Letters and Dispatches,' published in 1739, more than ten years before Hume began to write his history. The correspondence between Laud and Strafford in those volumes, which forms one of the most valuable collections of State papers, both in a historical and political point of view, ever made public, contains the most conclusive evidence that it was the settled and deliberate intention of these two men to make the king absolute, and to make all Englishmen, Scotchmen, and Irishmen, slaves; and not only them, but their children and their children's children to all generations. It is impossible that a man of Hume's acuteness and reasoning power could have read even a moderate portion of Strafford's letters and dispatches, and then could have written such a history as Hume has written of the reign of Charles I. Such a history, in fact, is a romance, with all the bad and none of the good features of romance. For Hume had not imagination enough to be a good romance writer; and we shall see in the next essay that a writer like Scott, with far more imaginative power than Hume, though he succeeded in writing a splendid romance when the subject was enveloped in the mist of far-distant time, as in the case of 'Ivanhoe,' has not by any means been equally successful in turning into history the falsehoods devised by James I. to hide from the knowledge of mankind one of the blackest and most atrocious of his many crimes.

From Hume's opinion above cited of the value of Demosthenes's orations on historical evidence, it may be inferred that Hume considered Strafford's eloquent speech on his trial as affording ground for the character he has

drawn of Strafford. But the real character of Strafford was very different indeed from the fancy portrait drawn by Hume. I have said that Strafford's object was to make the king absolute and the people slaves. These words will convey but a vague meaning. I will give a case, which, though printed in Rushworth's valuable collection, has not, as far as I know, been noticed by any historian; a case in which a picture is drawn to the life of the condition to which the people of Ireland had been reduced by Strafford; and to which, had he succeeded in his designs, the people of England would very soon have been reduced.

On his trial the Earl of Strafford excepted against Sir Pierce Crosby as a witness, 'for that the said Sir Pierce hath been sentenced in the Star Chamber for a very undue practice against me, tending to no less than the taking away of my life, charging me (and practising to prove it by testimony of witness) that I had killed a man in Ireland, whom I protest I did never so much as touch.'[1] Let the reader judge from what follows of the truth or falsehood of the earl of Strafford's protestation.

During that period of the reign of Charles I. when he attempted to govern without parliaments, the Attorney-General instituted proceedings before the Council in England against Sir Pierce Crosby, the Lord Esmond, and others, for raising and divulging scandals of the Lord Deputy of Ireland (Viscount Wentworth, afterwards Earl of Strafford), giving out that he was guilty of the death of one Robert Esmond.[2] Robert Esmond having refused to take the king's timber into his bark as well because it was

[1] Rushworth, vol. viii. p. 109.

[2] Rushworth, vol. iii. p. 888, *et seq.*; Rushworth abr. vol. iii. p. 43, *et seq.*

before laden with timber for the Lord Chief Justice, as because the king's timber was too long for the bark, the Lord Deputy committed him. After about six days' imprisonment in Dublin Castle, Esmond returned home, and within a few days after died; and the information was for raising and divulging a report that Esmond died of the blows the Lord Deputy gave him when he committed him, and for inciting Esmond's wife, after her husband's death, to go into England and complain of the Lord Deputy.

Esmond's wife deposed that hearing after her husband's death a report that he received several blows from the Lord Deputy, she made her moan to the Lord Esmond; but withal deposed, that long before his death her husband was wounded in the back with a small knife by one Egerton (which wound was admitted by all), and spit blood for about a year before he died; that he had a cough of the lungs about seven years, and died of a consumption.

The admission of this fact, however, does not set aside the question whether certain blows said to have been inflicted on Esmond by Wentworth hastened his death. And the solution of the question whether or not the Lord Deputy Wentworth struck Esmond must depend upon the balance of the testimony of the witnesses present. The depositions of the witnesses are as follows:—

'*William Atkins.*—About November 1634 Robert Esmond was brought before the Lord Deputy, who committed him to Dublin Castle. He (Atkins) was present when Esmond was brought in. The Lord Deputy was angry with him, and said, "Sirrah, Sirrah," and struck Esmond on the head and shoulders three or four strokes

with a cane, and then committed him. Immediately after Robert Esmond's death he heard Richard Roach and divers others report that the said strokes occasioned it; he did daily visit Robert Esmond, and he still complained of the blows; and this deponent's wife anointed his shoulders; he often wept and grieved, and he would often say his heart was broken.'

'*William Holloway* saw the Lord Deputy strike three or four strokes over the pate with a cane.'

'*Sir Philip Manwairing* saith he was present when Esmond was brought to the Lord Deputy. Esmond was charged with contempt in refusing to take aboard the king's timber, and taking in other timber; the Lord Deputy shook his cane at Esmond, and said he would teach him better manners; but whether he touched him or not he cannot depose.'

'*Joshua Carpenter* said that about November 1634 Esmond was pressed to carry timber, and refused it, saying he had undertaken to carry timber for the use of the Lord Chief Justice; that the Lord Deputy shook his cane, but whether touched him with it or not, he knows not; that the Lord Deputy committed Esmond for neglect of the king's service.'

It is to be observed that Sir Philip Manwairing and Joshua Carpenter were both the servants of the Lord Deputy; notwithstanding which, even they do not take upon them to say there were no blows given, while the other two witnesses most distinctly and explicitly declare that there were three or four strokes given. It appears, indeed, that William Holloway afterwards said in his answer that he 'believed the Lord Deputy did Esmond no wrong;' but he does not say that the Lord Deputy

did not strike Esmond. Now observe what shape and colour this evidence assumes in the hands of Lord Chief Justice Finch,[1] that member of the Council best qualified from his education, his profession, and his place, to weigh evidence. Lord Chief Justice Finch thus sums up and comments on the evidence which has been given above.

'For Sir Philip Manwairing, your Lordships know his quality and reputation in the kingdom, and I know he beareth it as worthily in your Lordships' judgment: he expressly sweareth his lordship did but shake the cane, and that he believeth in his conscience (for so he said here in Court) he did not so much as touch him; and I would not have any to go away unsatisfied of anything against my Lord Deputy. There are many precedents and rules that this Court hath liberty in their judgments to call for witnesses at hearing to satisfy their consciences. My Lords, besides Sir Philip Manwairing's deposition, that which he did here affirm, that he was near to my lord all the while, and that he did diligently observe all that passed.

'Another witness was Isaac [Joshua] Carpenter; he doth agree with Sir Philip; he saith, my lord did but shake the cane, and he doth not know whether he touched him, and he was the man that brought the fellow thither.

'The third witness was Holloway; it is true some

[1] This Sir John Finch, created in 1640 Baron Finch of Fordwick, besides his judgment in the case of ship-money and his obtaining by threats the concurrence of the other judges, declared, when he was Lord Keeper of the Great Seal, upon a demurrer put in to a bill before him, which had no other equity in it than an order of the Lords of the Council 'that, whilst he was keeper, no man should be so saucy as to dispute those orders, but that the wisdom of that Board should be always ground enough for him to make a decree in Chancery.'—Clarendon, Hist. vol. i. p. 74, Oxford, 1712.

speak out of his mouth; he speaketh exactly in his answer: he knoweth of no hurt or wrong was done by my Lord Deputy, neither doth he believe it.

'Atkinsonson [Atkins] the goaler, he was the only single man of those that were present that saith my Lord Deputy did strike Robert Esmond with a cane.

'Take the quality of these persons, take their number, four to one, I wonder whether any man can think there was a stroke.'

Now according to Lord Chief Justice Finch's own words, Sir Philip Manwairing was the only witness that 'at hearing' was induced to say that he believed in his conscience the Lord Deputy 'did not so much as touch him,' though in his deposition he said 'whether he touched him or not he cannot depose.' Carpenter 'doth not know whether he touched him;' and this is what Lord Chief Justice Finch calls 'agreeing with Sir Philip.' Holloway 'knoweth of nō hurt or wrong was done by my Lord Deputy;' but does he contradict his deposition that 'he saw the Lord Deputy strike three or four strokes' [the number specified by Atkins]? Here are three witnesses, only one of whom, even according to the Judge's own account, states that the Lord Deputy did not commit this act of cruel and cowardly violence upon an unresisting man, who, besides being a prisoner, was sick and infirm; while the fourth witness, Atkins, besides his distinct deposition as to the strokes, also deposes as to the condition of Esmond in consequence of them, and that he heard Richard Roach and divers others report that the said strokes occasioned Esmond's death. And yet this judge, this Lord Chief Justice Finch, calls the result of this calculation, this weighing and sifting of

evidence as to quantity and quality, 'four to one,' adding, 'I wonder whether any man can think there was a stroke.' On the other hand I wonder whether any man who reads the evidence can think there was not. Dr. Beck, in his 'Medical Jurisprudence,' in reference to the case of George Clarke, who received a blow on the head with a bludgeon, during the election riots at Brentford in December 1768, from Edward McQuirk, says, 'wounds of the pericranium, in good constitutions, and well treated, are not dangerous; but in bad ones they are often serious, and are succeeded by an erysipelatous inflammation, which is readily extended to the brain.'[1] It is observable that Clarke died six days after the infliction of the blow on the head, and that Esmond died in a little more than six days after the infliction of the blows on the head. 'After about six days' imprisonment in Dublin Castle, Esmond returned home, and within a few days after died.' Esmond being, as has been shown, of a bad constitution, the probability is that the blows on the head, if they did not altogether occasion, at least hastened his death. A habit in the highest functionaries of a government of dealing with evidence in such a way as this indicates the existence of a mortal disease in that government.

Now this Lord Chief Justice Finch's mode of dealing with evidence presents a parallel, particularly instructive, to Hume's mode of dealing with evidence. If it be the duty

[1] Beck's Medical Jurisprudence, p. 626, 6th edition, London, 1838. In a note (p. 625) Dr. Beck says:—'I have found in the collection of pamphlets made by the late Sir James Mackintosh, and which (amounting to upwards of one hundred volumes) is now in the possession of my friend M. H. Webster, Esq. of this city [New York], one with the following title: "An Appeal to the public, touching the death of Mr. George Clarke, who received a blow at Brentford, on the 8th of December, of which he languished and died on the 14th. By John Foot, surgeon, London, 1769."'

of an historian, as it is that of a judge, to state the evidence with equal care, with equal fulness, and with equal accuracy, on both sides; and if it be true that few crimes equal in magnitude those of the man who, pretending to write history, deliberately perverts the materials of history, suppresses and misstates evidence, and produces a story which he calls a history, and which is not only without evidence but is in direct opposition to evidence, I fear that there are few of the writers of the books called histories who will escape censure. David Hume is certainly not one of those few.

Esmond's case Hume of course suppressed altogether. I will give another case which Hume could not suppress altogether. He therefore only suppressed the most material part of the evidence, because it told against the conclusion which he sought to establish.

As Brodie and others have proved Hume guilty of many misrepresentations still worse than those here cited, these instances are selected merely because they have not been exposed before.

Arthur Capel, Earl of Essex, was committed to the Tower on July 10, 1683. This was towards the end of the reign of Charles II., and at the time when Charles's brother James, then Duke of York, afterwards James II., was supposed to have great influence in the government. On July 13, the same day on which William Lord Russell was tried and condemned to death, the Earl of Essex was found dead in his chamber in the Tower, with his throat cut. A coroner's jury was summoned; but before they were empanelled the earl's body was taken out of the closet where it lay and stripped of its clothes. The clothes were carried away and the closet washed; and

when one of the jury insisted, as by the law of England he had a right to do, upon seeing the earl's clothes, the coroner was sent for into another room, and upon his return told the jury *it was my lord's body, and not his clothes, they were to sit upon.*

The following directions, given by Dr. Beck to the members of his own profession, show the importance of the request here made by the juryman. 'Besides noticing the surface of the body, we should pay great attention to the following circumstances: the situation in which it is found, the position of its members, and *the state of its dress.* The quantity of blood on the ground or *on the clothes* should be noticed.'[1] And in another part of the same valuable work Dr. Beck says: 'Before the body is removed from the place where it was found, it is proper to notice its situation and attitude, *the state of the clothes*, and the condition of the ground—whether it bears the marks of footsteps, and their direction. We should remark also whether there are any indications of struggling. If death be apparently caused by a wound, the body should be first viewed, if possible, exactly in the position in which it was found.'[2] Now the obvious question which occurs is, *why* were all these rules violated in this case? Mr. Best, in quoting these directions of Dr. Beck in his treatise on 'Presumptions of Law and Fact,' remarks: 'It is of the utmost importance to examine minutely for the traces of another person at the scene of death, for it is by no means an uncommon practice with murderers to dispose the bodies of their victims in such a manner as to lead to the supposition of

[1] Beck's Medical Jurisprudence, p. 531, 6th edition, London, 1838.
[2] *Ibid.* p. 485.

suicide.'[1] In this case it may be inferred that the murderer or murderers could not dispose of the body of the victim so as to lead to the supposition of suicide without removing the clothes, the condition of which would have rebutted that supposition. However, it would seem that some of the clothes were seen by some of the witnesses, for Dr. Beck states in his account of the case, which he appears to have drawn up with great care after examining every accessible source of information, that '*two witnesses swore that the neck of Lord Essex's cravat was cut in three pieces, and that there were five cuts on his right hand.*'[2] It is also stated that Lord Essex was right-handed.[3] Consequently, he would naturally present his right hand as a defence against the attack of an assassin. I have said 'murderer or murderers,' because if there is any weight in the opinion of the eminent surgeon, Dupuytren, given in a trial for murder in Paris in 1814, the five cuts on Lord Essex's right hand would prove that there was only one murderer. On the trial referred to, Dupuytren was asked if any marks on the dead body could indicate whether the murdered person had been attacked by one or more persons. He replied by begging the Court not to give to his conjectures more weight than they deserved. All he could say was merely probabilities; but it appeared to him that a plurality of persons had been engaged in the murder, and for the following reasons. When a man is struck, his first act is to present his hands as a defence against the blow. Now in this case [the murder of Dantun in Paris in 1814] there was not the slightest

[1] Best on Presumptions of Law and Fact, p. 276, London, 1844.
[2] Beck's Medical Jurisprudence, p. 541, 6th edition, London, 1838.
[3] *Ibid.*

mark of injury on them. The same person that inflicted all these wounds could not at the same time have held the victim's hands. The hands must have been held by an accomplice of the person who inflicted the wounds.[1] The inference from this is, that in the case of Lord Essex one strong man was employed; which circumstance, by diminishing the number of participators in the crime, would also diminish the chances of detection and increase the chances of success of the story of suicide.

The facts above stated afford evidence almost if not altogether conclusive that the Earl of Essex was murdered. I will now state another fact, which Hume mentions as the only fact tending to support the opinion that the earl was murdered; and which Hume also, with his usual zeal to defend the Stuarts at any cost, attempts to treat as of no weight. Hume's words are: 'The coroner's inquest brought in the verdict *self-murder*; yet because two children ten years old (one of whom, too, departed from his evidence) had affirmed that they heard a great noise from his window, and that they saw a hand throw out a bloody razor; these circumstances were laid hold of, and the murder was ascribed to the king and the duke, who happened that morning to pay a visit to the Tower.'[2]

It will be at once seen that this statement of the two children (even if one of them 'departed from his evidence,' the meaning of which words of Hume is not very clear farther than that there was a slight discrepancy, for if there had been enough to shake their

[1] Causes célèbres du XIX^e^ Siècle, vol. i. p. 400, cited in Beck's Medical Jurisprudence, p. 546, 6th edition, London, 1838.

[2] Hume's History of England, chap. 69.

testimony to the foundation, Hume would not have been slow to take advantage of it) is a very important one. Children of that age would be very unlikely to invent such a circumstance. And if 'faction,' to which Hume attempts to ascribe the whole story of Essex's having been murdered, had thought of suborning witnesses, they would have selected witnesses of another kind than children of ten years of age.

Before I proceed to give the medical evidence, I must state what has appeared to me to be the effect of the medical testimony in a very considerable number of cases which I have examined. While undoubtedly of late years medical, at least chemical, science has aided most effectually in bringing criminals to justice, it is no less true that there are many cases in which the medical testimony has had a totally opposite effect. Even where the circumstantial evidence presses on the accused with the weight of a millstone, to use Bentham's expression, it would seem that while in some cases the weight of a great medical authority has been employed in embarrassing the matter by some scientific paradox,[1] in others the medical witnesses have not promoted but hindered the ends of justice by confusing the minds of the jury and withdrawing them from those facts of the case which altogether, independently of medical testimony, were simple and conclusive. A remarkable example of this is afforded by this case of the Earl of Essex, and upon the strength of the confusion thereby produced in the mind of Bishop Burnet, neither a very powerful nor a very

[1] See particularly the examination of the celebrated surgeon, John Hunter, in Donellan's case, printed in Beck's Medical Jurisprudence, pp. 897–900, 6th edition, from the original report of the trial, taken in shorthand by Joseph Gurney.

acute mind, that writer, who would appear to have been incapable of weighing evidence and of whom many of the statements seem to confirm Dalrymple's observation, 'that whenever Burnet's narrations are examined he appears to be mistaken,' has pronounced an opinion that the earl committed suicide. Burnet says that 'when the body was brought home to his own house, and the wound was examined by his own surgeon, he said to me, it was impossible that the wound could be as it was if given by any hand but his own. For except he had cast his head back and stretched up his neck all he could, the aspera arteria must have been cut.' Let the reader now observe the discrepancy between this statement and that given under oath by the surgeons before the coroner's jury. Before the jury two surgeons, Sherwood and Andrews, deposed as to the wound. Sherwood stated that the aspera arteria (the trachea) and the gullet, with the jugular arteries, were all divided. Andrews said that the throat was cut from one jugular to the other, and through the windpipe and gullet into the vertebræ of the neck, both jugular veins being divided. The verdict of the coroner's jury was in the following words: 'That, with a razor, the Earl of Essex gave himself one mortal wound, cut from one jugular to the other, and by the aspera arteria and the windpipe to the vertebræ of the neck, both the jugulars being thoroughly divided; and of this he died.'

The matter was also agitated for some time before a committee of the House of Lords, and several physicans and surgeons who were examined by them declared 'that they would not positively say that it was impossible for my lord to cut his throat through each jugular vein,

the aspera arteria, and gullet, to the very back-bone, and even behind each jugular vein on each side of the neck (as some judicious surgeons who had viewed the throat had reported it to be cut); but this they would be very positive in, that they never saw any man's throat so cut which was cut by himself. And they did then further declare that they did believe, that when any man had cut through one of his jugular veins, and the gullet and windpipe, and to the very neck-bone, nature would thereby be so much weakened by the great effusion of blood and animal spirit, that the *felo de se* would not have strength sufficient to cut through and behind the other jugular, as my lord's throat, by surgeons who saw it, was said to be cut.'[1]

Modern historians dwell much on the earl's being subject to fits of deep melancholy, and being acccustomed to maintain the lawfulness of suicide. What Evelyn says in his 'Diary' on this subject, while it further disproves the statement of Burnet about the aspera arteria not having been cut, seems to lead to the supposition that the story about his maintaining the lawfulness of suicide was an invention of those who had murdered him. Evelyn says:—'The astonishing news was brought to us of the Earl of Essex having cut his throat, having been but three days a prisoner in the Tower, and this happening in the very day and instant that Lord Russell was on his trial, and had sentence of

[1] Beck's Medical Jurisprudence, pp. 540-542, 6th edition, London, 1838. Dr. Beck's authorities are:—The Trial of Lawrence Braddon, in Hargrave's State Trials, vol. iii. p. 855; The Earl of Essex's Innocency and Honour Vindicated by L. Braddon (published in 1690), *ibid.* vol. iii. pp. 899-934; The Republic of Letters for August, 1735; 'Some Passages sent by a Person of Honour to the Author of theRepublic,' &c.; another pamphlet by Braddon (published in 1725), reprinted in Howell's State Trials, vol. ix. p. 1229.

death. This accident exceedingly amazed me, my Lord Essex being so well known by me to be a person of such sober and religious deportment, so well at his ease, and so much obliged to the king. It is certain that the king and duke were at the Tower, and passed by his window about the same time this morning, when my lord, asking[1] for a razor, shut himself into a closet, and perpetrated the horrid act. Yet it was wondered by some how it was possible that he should do it in the manner he was found, for the wound was so deep and wide, that being cut through the gullet, windpipe, and both the jugulars, it reached to the very vertebræ of the neck, so that the head held to it by a very little skin, as it were; the gaping,[2] too, of the razor and cutting his own fingers was a little strange, but more that, having passed the jugulars, he should have strength to proceed so far, that an executioner could hardly have done more with an axe. There were odd reflections on it. This fatal news, coming to Hicks's Hall upon the article of my Lord

[1] These words are no doubt the courtiers' account of the matter, which the courtly Evelyn would of course hear. The instrument produced at the inquest was a French razor, four-and-a-quarter inches in its blade, and no spill or tongue at the end, so that it must have been held by the blade, and, as Dr. Beck observes, it would seem difficult to inflict so large a wound with it.—*Beck's Med. Jur.* p. 541. Besides, *if* the earl asked for a razor, would they be likely to give him a razor without a handle? Surely not.

[2] I suppose Evelyn means by the gaping, the notches in the razor produced. A surgeon is stated to have suggested to the coroner's jury *that the notches in the razor were made by my lord against his neck-bone:* a suggestion which Dr. Beck has marked in italics, and the strangeness of which will be seen on reference to the declaration quoted above of the physicians and surgeons examined before a committee of the House of Lords. Lord Essex was right-handed, and the razor lay on the left side.—*Beck's Med. Jur.* p. 541. However, I must add, in fairness to all parties, that a skilful and experienced surgeon whose opinion I asked on this point said that he had known a case where a man, committing suicide by cutting his throat with a razor, had done nearly all that is here described by one stroke, the razor making a sweep nearly from one ear to the other.

Russell's trial, was said to have no little influence on the jury, and all the bench, to his prejudice. Others said that he had himself on some occasions hinted that in case he should be in danger of having his life taken from him by any public misfortune, those who thirsted for his estate should miss of their aim, and that he should speak favourably of that Earl of Northumberland and some others who made away with themselves; *but these are discourses so unlike his sober and prudent conversation, that I have no inclination to credit them.* What might instigate him to this devilish fact I am unable to conjecture. My Lord Clarendon, his brother-in-law, who was with him but the day before, assured me he was then very cheerful, and declared it to be the effect of his innocence and loyalty; and most people believe that his Majesty had no severe intentions against him, though he was altogether inexorable as to Lord Russell and some of the rest.'

The use to the court of Essex's imputed suicide appears from the observation that the news coming to Hicks's Hall at a critical time was said to have had no little influence on the jury and the bench, to the prejudice of Lord Russell. 'My Lord Russell,' said the Attorney-General, 'was one of the council for carrying on the plot with the Earl of Essex, who has this morning prevented the hand of justice upon himself.' And Jefferys, who was one of the counsel for the Crown, said, 'Who should think that the Earl of Essex, who had been advanced so much in his estate and honour, should be guilty of such desperate things; which had he not been conscious of, he would scarce have brought himself to this untimely end to avoid the methods of public justice.'

In this case the medical evidence can hardly be considered as conclusive. The points of the case that furnish strong evidence against suicide are (1) the cuts on the earl's right hand, and (2) the refusal of the authorities in the Tower to allow the coroner's jury to see the earl's clothes. This latter circumstance renders this case a remarkable example of suppression of evidence. And suppression or destruction, as well as fabrication or forgery of evidence, may always in a greater or less degree be regarded as affording evidence of delinquency on the part of those committing such act of suppression, destruction, fabrication or forgery. While this tragical death of the Earl of Essex presents a remarkable case of the suppression of evidence, the violent deaths of the Earl of Gowrie and his brother form a still more remarkable case—a case exhibiting at once the suppression and fabrication of evidence, and the effect of torture. This remarkable case Hume did not take any notice of. It will form the subject of the next essay.

Towards the end of the forty-ninth chapter of his history of England, Hume has given the following character of James I.: 'In all history it would be difficult to find a reign less illustrious, yet more unspotted and unblemished, than that of James in both kingdoms.' The following pages will demonstrate the total inaccuracy of this statement with regard to both kingdoms; that is, first with regard to Scotland, and secondly with regard to England. Again, in the forty-fifth chapter of his history of England, Hume says of James I.: 'Strongly inclined himself to mirth and wine and sports of all kinds, he apprehended the censure of the Puritans for his manner of life, free and disengaged.' These and the other observa-

tions of David Hume on the character of James I. remind us of the Greek sophists or professors of rhetoric who wrote, by way of exercises, panegyrics on characters proverbial for depravity. I am well aware that David Hume could not have spoken or written the truth respecting James, if he had been a contemporary of that king, but, at the risk of his life. James always hunted such persons to death.[1] But Hume wrote more than a century after the death of James, and he was under no obligation, save that of the love of showing his powers as a sophist, to write a panegyric on King James. If Tiberius had been of the Stuart instead of the Claudian gens, and Hume instead of Tacitus had written his history, he would have come down to posterity as an amiable and jovial elderly gentleman, perhaps a little eccentric in some of his amusements, but on the whole so free from vice of every description, that even that 'good old-gentlemanly vice,' avarice, could not be imputed to him, inasmuch as he gave away all he got or rather took, with that profusion of generosity which men are so apt to display in giving away what belongs to other people.

Although some evidence respecting the darker features of King James's character was not accessible when Hume wrote his history, there was evidence enough accessible to Hume to give the lie direct to the character which he has drawn of James. Most of the letters published by Lord Hailes, which disclose some of the most repulsive features

[1] Some remarkable cases of this kind are printed in Pitcairn's Criminal Trials in Scotland. Of one of these cases, remarkable for its atrocity, Mr. Pitcairn says: 'Had mention been made of this fact in any private correspondence of the period, or in contemporary memoirs or annals, it would have been at once discredited by all, as an unprincipled libel on the character of our British Solomon;' iii. 359.

of King James's character, were printed from the MSS. in the Advocates' Library at Edinburgh, of which Hume was librarian. He says, in his short autobiography: 'In 1752, the Faculty of Advocates chose me their librarian, an office from which I received little or no emolument, but which gave me the command of a large library. I then formed the plan of writing the history of England.' It appears from his own statement that Hume wrote the portion of his history of England which extended from the accession of the House of Stuart to the death of Charles I. in about two years—a period of time quite inadequate for the examination of the materials which were then accessible, even if the writer had come to that examination with an unbiassed mind, which Hume, from his own account, does not appear to have done. For he says he thought the accession of the House of Stuart 'an epoch when the misrepresentation of faction began chiefly to take place.'

When we recollect that Adam Smith has described his friend David Hume as approaching as nearly to the idea of a perfectly wise and virtuous man as perhaps the nature of human frailty will permit, we can only account for the manner in which Hume has drawn the character of James I. by supposing that its darker and more repulsive features may have appeared to him to require more conclusive evidence for belief in them than was accessible, at least to a man of his indolent habits, when he wrote his history; and that Hume moreover was, as I have said, though an active and fertile thinker, an indolent reader.

ESSAY V.

SIR WALTER SCOTT.

If the contrast is great between David Hume the philosopher and David Hume the historian, great also is the contrast between Walter Scott the novelist and Walter Scott the historian. For in a historian something more is requisite than a power, however absolute, over words. Such a power is quite distinct from the power of evolving truth out of a complicated mass of evidence. And if it should be said that Sir Walter Scott only professed to write a history of Scotland for young persons, it may be answered that the inculcation of truth is, if possible, a more paramount duty in those who write for the young; inasmuch as erroneous statements are in that case less likely to be corrected, and the consequent erroneous impressions received in youth are likely to remain through life. I have therefore selected a few pages of Sir Walter Scott's 'History of Scotland,' relating to an event in the reign of James VI. of Scotland, as the text on which the following essay is a commentary. I have also had occasion to refer to some passages of his novels and historical romances; and I have made some observations towards the beginning of the essay on an event in England under the reign of Elizabeth which has formed the subject of one of his romances—an event respecting which some very curious evidence has been published since

Sir Walter Scott wrote the romance of 'Kenilworth' and the historical notes to it, which evince—as his notes both to his poems, and his novels, and romances, always do—great historical and antiquarian learning.

Sir Walter Scott had studied the history of James VI. of Scotland and James I. of England much more carefully than Hume. Indeed Scott had made that period of the history of Britain an especial and favourite study; as he showed by his edition of 'Somers's Tracts;' and also by a work in two vols. 8vo. published at Edinburgh in 1811, entitled, 'Secret History of the Court of James the First,' and consisting of a republication in a uniform shape of Francis Osborne's 'Traditional Memoirs,' Sir Anthony Weldon's 'Court and Character of King James,' 'Aulicus Coquinariæ,' Sir Edward Peyton's 'Divine Catastrophe of the House of Stuart,' and one or two other scarce works, with notes and introductory remarks by the editor—known to be Sir Walter Scott, though the publication is anonymous. That Scott had studied the character of King James far more carefully than Hume is manifest from his notes to the two publications above mentioned, and also from a note to the Introduction of 1831 to the 'Fortunes of Nigel,' in which note he says: 'The learned Mr. D'Israeli, in an attempt to vindicate the character of James, has only succeeded in obtaining for himself the character of a skilful and ingenious advocate, without much advantage to his royal client.'

And yet the portrait of the character of King James drawn by Sir Walter Scott, though an elaborate work of art, is untrue to the original in some important features. Sir Walter Scott, in his portrait of King James's character in his 'History of Scotland' as well as in his

'Fortunes of Nigel,' while he has given him some virtues which he did not possess—as where he speaks of 'the placability and gentleness of his disposition'[1]—has denied him some talents which he did possess, as where he describes him, on the occasion of Lord Glenvarloch's marriage, as 'ambling about the room, mumping, laughing, and cracking jests, neither the wittiest nor the most delicate, but accompanied and applauded by shouts of his own mirth, in order to encourage that of the company.' Now while Scott, who had never seen King James, professes to be acquainted with the 'placability and gentleness of his disposition,' M. de la Boderie, the French ambassador, who lived five years at his court, an intelligent observer, says of James, in reference to an application on the part of Henry IV. of France on behalf of a brother of the slain Earl of Gowrie, '*Chi offende non perdona*; and if ever prince was of that humour, this is so.'[2] On the other hand Sir Anthony Weldon, who certainly did not write to eulogise or compliment King James, says, in his 'Character of King James,' 'He was very witty, and had as many ready witty jests as any man living, at which he would not smile himself, but deliver them in a grave and serious manner.'[3] In that solemn gravity with which he delivered his witticisms, he appears to have resembled Swift. And Sir Walter Scott's repre-

[1] History of Scotland, contained in Tales of a Grandfather, vol. i. p. 336, Edinburgh, 1846.

[2] Ambassades de M. de la Boderie, en Angleterre, sous le règne de Henri IV, et la minorité de Louis XIII, depuis les années 1606 jusqu'en 1611, 5 tom. 1750, tom. iii. p. 108. It will be found necessary to quote more fully this dispatch of La Boderie in a subsequent page of this essay; these few words being cited merely for illustration of the inaccuracy of Scott's character of King James.

[3] Character of King James, at the end of the Court of King James, by Sir Anthony Weldon; London, 1651.

sentation of him as laughing loudly at his own bad jokes is the more remarkable as drawn by a man who had himself published an edition of Weldon's book.

But though King James's reasonings in such works as his 'True Law of Free Monarchies' exhibit neither a strong nor a sharp understanding, he must have possessed mental qualities besides the wit attributed to him by Weldon. When we come to the examination of the plot, of which the murder of Sir Thomas Overbury was but one incident, we see, as in the old usurer Trapbois, that the cunning of a man of limited understanding, when applied with intense pertinacity to the pursuit of one object, and accompanied with the most unbounded and the most unscrupulous use of falsehood, may prove an overmatch for the sagacity even of the ablest men of his time.[1]

At the beginning of the seventeenth century England had many advantages not possessed by Scotland. Besides a richer soil and a milder climate, England had her

[1] Mr. John Bruce, in a paper contributed to the Transactions of the Society of Antiquaries in 1649, entitled Observations on the Trial and Death of William, Earl of Gowrie, A.D. 1584, and on their connection with the Gowrie Conspiracy, A.D. 1600, by John Bruce, Esq. F.S.A., says of King James's narrative of what he calls the 'Gowrie Conspiracy,' that he is inclined 'to accept the narration of the king, with such qualifications as will occur to everyone who considers that it was no doubt partly written for him; and that, so far as it was strictly his own, it was the after-account of a vain, talkative person, by no means distinguished for courage or truthfulness.' As regards 'courage' and 'truthfulness,' this may be a correct estimate of James. But the words 'a vain, talkative person' convey a total misapprehension of the character of James I.—a misapprehension which I shared myself before I read Mr. Amos's Great Oyer of Poisoning, and examined carefully the evidence as to James's real character. That evidence fully bears out the character of him on the envelope of his letters to Sir George More, Lieutenant of the Tower, in the handwriting of the early part of the seventeenth century, 'that he [King James] was the wisest to work his own ends that ever was before him.'

Magna Charta, and a system of laws formed, not like that of Scotland, on the model of the code of 'Imperial Rome,' where the maxim was, 'What pleases the prince has the force of law;'[1] but laws in theory, at least, assumed to have emanated from the free will of a free people. I say theory, because if it was more than a theory it might well be supposed that such a mockery of justice as the following pages show legal proceedings in Scotland to have been—at least, where the Crown was concerned—at the beginning of the seventeenth century, would not be paralleled by similar proceedings in England. This supposition, however, is proved by the evidence which the researches of late years have brought to light to be erroneous; and this evidence shows how far England had at that time followed the rest of Europe towards that state of slavery

[1] 'Sed et quod Principi placuit, legis habet vigorem, quum lege Regia, quæ de ejus imperio lata est, populus ei et in eum omne imperium suum et potestatem concedat. Quodcunque ergo Imperator per epistolam constituit, vel cognoscens decrevit, vel edicto præcepit, legem esse constat.'—Instit. Lib. i. Tit. ii. § 6. Sir Walter Scott, in the Fortunes of Nigel, makes a clerk of the royal kitchen quote with reference to James I., these words:—'Regis ad exemplar, totus componitur orbis.' Scott probably did not know from whom the quotation was taken, and may have met with it somewhere in this inaccurate form. He quotes also, in St. Ronan's Well, part of it thus: 'So saying, he pushed back his chair from the table, and—*regis ad exemplar*—after the pattern of the Laird, all the company rose.' Scott made an apt enough application of the words to King James as well as to the Laird of St. Ronan's, both of them as great tyrants in their way as the Roman emperors to whom they were first applied were in theirs. The passage in Claudian—

> ——'Componitur orbis
> Regis ad exemplum, nec sic inflectere sensus
> Humanos edicta valent, ut vita regentis.'
> viii. Cl. Claudiani, Honorii, Augusti, panegyris, vv. 300, 2.

gives a vivid idea of the state of the world in the fourth century. Of the effect of 'vita regentis' twelve centuries later, the Courts of Philip II. of Spain, of Henry III. of France, and of James I. of England, furnish examples. The case of Bacon is a frightful example; respecting which see a note near the beginning of the essay on Sir Thomas Overbury, in this volume.

and degradation to which the world had been reduced under the Roman imperial despotism. The Borgias, the Medici, the Valois, and the Habsburgs, showed themselves not altogether unsuccessful imitators of Tiberius, Caligula, Nero, and Domitian. And we may conclude that England was in a very different position then from that in which it is now—when Ben Jonson, King James's court poet, ventured in one of his extravagant panegyries of James to place James and Domitian in such juxtaposition as in a free country and with a free press might have led to strange conclusions. The lines are these:—

> 'Martial, thou gav'st far nobler epigrams
> To thy Domitian, than I can my James;
> But in my royal subject I pass thee,
> Thou flattered'st thine, mine cannot flatter'd be.'

There is an event of James's reign, after his accession to the crown of England—the murder of Overbury—which, from the extreme artifice employed to involve it in darkness, forms a case that 'has puzzled the nation down to the present day,'[1] and must be admitted, in addition to the Gowrie affair, as, if not a proof of the truth, at least, an illustration of the meaning of the words of the writer of the memorandum on the envelope of the letters in King James's handwriting to Sir George More, Lieutenant of the Tower, that King James 'was the wisest to work his own ends that ever was before him;' and that in a certain line of intellectual exertion he was not an unworthy pupil of such geniuses as the Borgias and the Medici. It is this which makes James's character such a puzzle. All his pretensions to learning are quite consistent with the character of a drivelling pedant, in which most of his writings

[1] Amos's Trial of the Earl of Somerset, p. 494: London, 1846.

and public speeches display him. And though his other qualities of timidity and subjection to his favourites made one of his countrymen compare him to a 'Jack Ape,' there was under all this in the character of James a degree of capacity for compassing his ends—call it cunning, craft, or what you will—that seems strangely inconsistent with a folly at other times bordering on idiocy.

This, the true character of James, so different from the character of him commonly given, explains what Count Tillieres, the French ambassador, says, which would otherwise appear quite improbable, if not incredible, at least quite unintelligible, in a dispatch of May 22, 1622: 'Everybody is indignant at this government, everybody murmurs at these proceedings, everybody hates and despises the king in an incredible manner; *but, at the period when he was more in the possession of his faculties*, he *had so divided the great men among themselves*, their courage is so sunk, that nothing but the uttermost climax of the evil can unite and as it were wake them from a lethargy.'[1] The words I have marked in italics indicate a man of a certain genius for government by the arts of the Borgias and the Medici—a man certainly very different from the mere pedant and driveller Scott has painted as the representative of King James. The reports of other ambassadors[2] agree substantially with those of Tillieres. The letters to Sir George More, Lieutenant of the Tower, already referred to, which are all in King James's own handwriting, and written upon a matter

[1] Tillieres in Raumer, ii. 270, 271. See also Tillieres in Raumer, ii. 268, 269, 273, 274. Raumer's History of the 16th and 17th Centuries, English Translation, London, 1835.

[2] See the dispatch of Vallarasso, the Venetian envoy, Feb. 24 and March 1, 1623; in Raumer, ii. 279.

—Somerset's dark hints that James dared not bring him to a public trial—the urgency of which called for the utmost exertion of his intellectual faculties, are both in style and reasoning strongly distinguished from almost all James's published writings and speeches.

The portrait drawn by Sir Walter Scott of the character of Queen Elizabeth, though also an elaborate work of art, is as untrue as his portrait of King James. There was more resemblance between the reigns of Elizabeth and James I. than is commonly supposed. Both reigns were marked by that feature of Cæsarism, the power of favourites. In that age there was no way of rising into the higher regions of social life but through court favour; and what sort of persons might thus rise is well expressed in the words Scott puts into the mouth of Lambourne in 'Kenilworth:' 'Were it not for this accursed custom [of hard drinking] I might climb as high as Varney himself.' And in balancing the claims of different forms of government it may be well to remember under what form of government it is possible for such men as Varney and Lambourne to rise to any degree of power. In that age also there was no appeal against the acts, and no escape from the power, of a king or queen and their minions. Amy Robsart had as little chance of escape from Elizabeth and her minion Robert Dudley as Alexander Ruthven had of eseape from James. But Elizabeth had a stronger head than James, though his was much stronger for compassing his ends than is commonly supposed; and Elizabeth took good care that there should be no such rehearing of the evidence as to the death of Amy Robsart, as that of the evidence as to the death of the Ruthvens.

It is observable, however, that in 'Kenilworth' Sir

Walter Scott has reproduced more accurately the court atmosphere in which his scenes are enveloped than in 'The Fortunes of Nigel.' In the latter he indeed hints at the dark practices of sorcery and poisoning, but in 'Kenilworth' he has introduced them to such an extent that the reader rises from the perusal of the work with a sort of feeling such as might be produced by breathing for a time an atmosphere 'soiled,' to borrow Scott's own words, 'with the fumes of calcined arsenic.' The words, too, which Scott puts into the mouth of Varney give a dark but not untrue picture of the favourite of Elizabeth—a picture darker in some of the touches than any picture of the worst favourites of James. 'The course my lord holds is no easy one, and he must stand provided a tall points with trusty retainers to meet each sort of service. He must have his gay courtier, like myself, to ruffle it in the presence-chamber, and to lay hand on hilt, when any speaks in disparagement of my lord's honour.' 'Ay,' said Foster, 'and to whisper a word for him into a fair lady's ear, when he may not approach her himself.' 'Then,' said Varney, going on without appearing to notice the interruption, 'he must have his lawyers to draw his contracts, and to find the way to make the most of grants of church-lands, and commons, and licenses for monopoly; and he must have physicians who can spice a cup or a caudle; and he must have ruffling swordsmen, who would fight the devil.' Now this goes somewhat beyond either Somerset or Buckingham; though Somerset had undoubtedly a hand in poisoning Prince Henry, and Buckingham was believed by many to have poisoned King James. The words of Mrs. Turner, speaking, shortly before her execution, of the court of James, are surely applicable to that court also where they planned the murder of

Amy Robsart: 'It is so wicked a place, as I wonder the earth did not open and swallow it up. Mr. Sheriff, put none of your children thither.'

Some critics have dilated on the inferiority of Scott's English to his Scotch stories; but the horrors of the condition of Amy Robsart, placed under the absolute dominion of perhaps the worst man of that bad time, are depicted with a quiet, but not on that account less terrible, power. The story is indeed very painful; for not even all the healthy cheerfulness of Scott's temperament could prevent its being a most mournful tale—more so even than that of of 'The Bride of Lammermoor.' But the stamp of immortality has been imprinted on what the Tudor queen and her minion hoped to bury in everlasting oblivion, and 'the phantom of the murdered Amy Robsart is sure to arise at every mentionof the earl's name.'[1]

Sir Walter Scott does not seem to have been aware of one fact, which was within his reach when he wrote 'Kenilworth;' namely, that King Edward the VI. recorded in his Journal, under date of 4th of June 1550, that 'Sir Robert Dudley, third [surviving] son to the Earl of Warwick married [in presence of the court at Sheen, or Richmond] Sir John Robsart's daughter.' The only facts relating to the question of her sudden death on the 8th of September 1560, at Cumnor, of any weight as evidence, were not within the reach of Sir Walter Scott, and are, firstly, the words in the letter of De Quadra which Mr. Froude first brought to light and published in his History —'they were thinking of destroying Lord Robert's wife'— which De Quadra gives as communicated to him by Cecil in a familiar conversation; and secondly, certain letters

[1] Motley's History of the United Netherlands, vol. i. p. 368: London, 1860.

preserved among the manuscripts in the Pepysian Library at Cambridge, between Robert Dudley and T. Blount, an agent of his at Cumnor, respecting the coroner's inquest held upon Amy Robsart or Lady Robert Dudley, which Mr. Craik first brought to light and published in his 'Romance of the Peerage.'[1]

These letters relating to the coroner's inquest are five in number: three from Dudley, and two from his agent. The first letter from Dudley thus commences:—'Cousin Blount, immediately upon your departing from me, there came to me Bowes, by whom I do understand that my wife is dead, and, as he saith, by a fall from a pair of stairs. Little other understanding can I have of him. The greatness and the suddenness of the misfortune doth so perplex me until I do hear from you how the matter standeth, or how this evil should light on me, considering what the malicious world will bruit, as I can take no rest.' He then prays Blount to call a coroner's inquest, and to charge the coroner to make choice of the discreetest and most substantial men for the juries. The letter thus concludes: 'From Windsor this ninth of September in the evening, your loving friend and kinsman, much perplexed, R.D.' Then follows this postscript: 'I have sent for my brother Appleyard, because he is her brother, and other of her friends also, to be there, that they may be privy and see how all things do proceed.' The letters from Dudley are remarkable as evincing no sorrow for his wife's death, but great anxiety about the probability of his being suspected to have murdered her. All affection for his unhappy wife appears, from the whole tenor of his letters, to have been long dead; and there are indications of this having been to her a source of deep

[1] Vol. i. Appendix No. 1.

suffering. Blount, in his first letter, thus reports what he heard from a female attendant of the lady:—'For herself, she said, she was a good, virtuous, gentlewoman, and daily would pray upon her knees; and divers times she saith that she hath heard her pray to God to deliver her from desperation.' The correspondence also confirms the only other evidence known to exist, a letter in her own handwriting—published by Mr. Wright from the Harleian MSS. [1]—expressive of affection and simple trustfulness—respecting the character of the ill-starred Amy Robsart. But what light do these letters throw on the question of the manner of Amy Robsart's death? I do not agree with Mr. Craik's opinion that: 'such a correspondence may claim to be regarded as something much more curious and important than even the depositions taken at the inquest.' On the contrary the publication of the depositions taken at the inquest might have proved that the death happened by mischance. These letters assert that, but do not prove it. And why did not Dudley publish a report of the inquest, if it was so conclusive as to the death's having been by mischance? Dudley's agent Blount confirms, in the first of his two letters to Dudley, the report that her servants had that day been all at the fair at Abingdom, but differs in this important point, that they had been commanded by her to go to the fair, not sent thither by Varney and Forster; and on this point a properly conducted coroner's inquest would have thrown light. But it must be noted that in that age neither a trial by jury nor a coroner's inquest was of any avail where the Crown or the Crown's favourite was concerned. And though Dudley makes

[1] Queen Elizabeth and Her Times, a series of original letters. Edited by Thomas Wright, M.A. 2 vols. 8vo.: London, 1838, vol. i. p. 49.

those professions of love of truth and justice which are so easy to make, saying in his second letter to Blount, 'I seek chiefly truth in this case, which I pray you still to have regard unto, without any favour to be showed either one way or other;' what means his 'dealing with the jury?' In his third letter he says:—'I have received a letter from one Smith, one that seemeth to be foreman of the jury. I perceive by his letters that he and the rest have and do travail very diligently and circumspectly for the trial of the matter which they have charge of, and, for anything that he or they by any search or examination can make in the world hitherto, it doth plainly appear, he saith, a very misfortune; which, for mine own part, Cousin Blount, doth much satisfy and quiet me. . . . Appleyard, I hear, hath been there, as I appointed, and Arthur Robsart, her brother.' [From whom did he hear this? From Varney, whose name never occurs in these letters, though Anthony Forster's does?]* 'If any more of her friends had been to be had, I would also have caused them to have seen and been privy to all the dealing there. . . . Touching Smith and the rest, I mean no more to deal with them, but let them proceed in the name of God accordingly; and I am right glad they be all strangers to me.' But why did he *deal* with them at all? Blackstone says, 3 Com. 375: 'If the jury speak with either of the parties or their agents, after they are gone from the bar; or if they receive any fresh evidence in private; any of these circumstances will entirely vitiate the verdict.' In his second letter Blount says: 'I have done your lordship's message unto the jury. . . . . At Abingdon I shall meet with one or two of the jury, and what I can I will bring. They be very secret; and

yet do I hear a whispering that they can find no presumptions of evil. And, if I may say to your lordship my conscience, I think some of them be sorry for it, God forgive me.' These words 'sorry for it' express the impression of the neighbourhood that the death was not one of accident or mischance, as the jury found from the evidence produced before them; which, on the generally received hypothesis, would be the testimony of the persons who murdered her. On that hypothesis this Robert Dudley would be one of the most consummate and also most inhuman jugglers and impostors recorded in history. The suspicions entertained respecting Leicester's assassinating propensities are somewhat strengthened by the advice he gave, when consulted, that Mary Queen of Scots should be put to death privately, by poison. If Amy Robsart was killed either in the manner described by Ashmole or that described by Scott in 'Kenilworth,' her dead body might present very much the same appearances which 'a fall from a pair of stairs' (this is the expression in Dudley's first letter to Blount) would produce. What, then, could the coroner's jury make of it? And Dudley might safely invite her brother-in-law Appleyard and her brother Arthur Robsart to be present at the inquest. In fact, before the Great Rebellion in England a royal favourite was above law. Every juryman knew that well enough—knew that he might be subjected, for daring to give a verdict distasteful to the court, to such ruinous penalties as we have seen inflicted on the jury in the case of Sir Nicholas Throckmorton.[1] The verdict of the coroner's jury might satisfy Dudley and Queen Elizabeth; but it satisfied no other person, high

[1] See Essay I.

or low.[1] So far was the verdict of the coroner's jury from being satisfactory to the public, that on September 17, just after the coroner's inquest, Thomas Lever, the eminent Puritan preacher, wrote from Coventry to Secretary Cecil of the 'dangerous suspicion and muttering of the death of her which was the wife of my Lord Robert Dudley,' earnestly urging that 'through the Queen's Majesty's authority' a searching inquiry be made of the truth, 'with due punishment if any be found guilty in this matter.'[2] We may safely conclude that there was little chance of Cecil's moving in the matter, when we recollect his ominous words to De Quadra only a few weeks before: 'They are thinking of destroying Lord Robert's wife.' And the value of the coroner's inquest upon Amy Robsart may be inferred from the value of the coroner's inquest upon Sir Thomas Overbury, more than half a century, and that of the coroner's inquest upon Arthur Capel, Earl of Essex, more than a century, after the coroner's inquest upon Amy Robsart, when a power greater than the law was concerned, or had an interest in the verdict of the coroner's jury.

Still it must be admitted that this correspondence is opposed to the hypothesis of Dudley's murder of his first wife; and, assuming it to be not a forgery for the purpose of defending Dudley (the papers in the Pepysian Library are stated to be only copies), it bears considerable marks of genuine surprise at the news of the death. Indeed, if it be regarded merely as a work of art, it may vie with any similar performances, even with the masterpieces of Pope Alexander VI. and his son Cæsar Borgia. Then, who was

[1] Hardwick State Papers, i. 123.

[2] Haynes—State Papers, from 1542 to 1570, left by Lord Burghley, 362.

this T. Blount whom Dudley calls 'Cousin Blount?' Mr. Craik has not been able to discover any such kinsman of Dudley. And was he in the confidence of Dudley, or only used as a tool? Blount mentions Anthony Forster as hated by the people of the neighbourhood; but he makes no mention of Varney. Was Varney a myth, or was Blount a myth? And if the correspondence really was the genuine and sincere expression of the true state of facts, and of Dudley's state of mind on learning those facts, why was it not published at the time in vindication of Dudley as the 'Discourse of the Gowrie Conspiracy' was published in vindication of King James? These are questions to which we can never hope for an answer.

There is no liklihood that the facts—except the fact of a sudden death—will ever be known of the manner of the death of Leicester's first wife. But the version given of the story by Sir Walter Scott in 'Kenilworth' is probably not very far from the truth, with the important alteration, suggested by Sir Walter himself in the notes, of substituting Leicester himself for his agent Varney. 'It is unnecessary,' says Scott, 'to state the numerous reasons why the earl is stated in the tale to be rather the dupe of villains than the unprincipled author of their atrocities. In the latter capacity, which a part at least of his contemporaries imputed to him, he would have made a character too disgustingly wicked to be useful for the purposes of fiction.' As has been shown, in regard to the marriage of Amy Robsart, Scott's version of the story is at fault. Scott says:—'Fame asserted of this zealous retainer [Varney], that he had accommodated his lord in former love intrigues; and it occurred to Wayland Smith that Leicester himself might be the party chiefly

interested.' That is, that Amy Robsart had been married to Dudley, not to Varney. Robert Dudley was not made Earl of Leicester till three years after Amy's death. According to Scott's hypothesis, Dudley went about debauching women by the help of Varney, partly by false show of marriage; and in this case the lady had insisted on a legal marriage. But Scott's hypothesis might be correct that she was to be got rid of by means of poison prepared by Dr. Julio or some one else represented by Alasco in Scott's romance. The attempts to poison not being successful, another mode was resorted to, and executed successfully, as in the murder of Escovedo by Philip II. and Antonio Perez, his confidential Secretary of State. There was some resemblance, too, between the character of Leicester and that of Antonio Perez, whom Mr. Motley designated as being 'on the whole the boldest, deepest, and most unscrupulous villain in that pit of duplicity the Spanish court.'[1] If the word 'boldest' appear to be unfitted for Leicester who was by no means bold in the sense of facing open danger, he must be allowed to have shown a bold defiance both of God and man if he executed one tenth of the murders imputed to him by his contemporaries. And if the words quoted in a former page from the letter

[1] Motley's Rise of the Dutch Republic, vol. iii. p. 110: London, 1861. The reception Antonio Perez met with at the court of Elizabeth shows that court to have differed little in its standard of morals from 'that pit of duplicity the Spanish court.' The English court had its Princess of Eboli as well as its Antonio Perez. It had also its Earl of Leicester, who enjoyed the reputation of having murdered his first wife, of having debauched Lady Sheffield and then murdered her husband, of having debauched the Countess of Essex and then murdered her husband, of having committed sundry other murders, and sundry other crimes besides his murders. Even Hume, who has attempted to whitewash so many, has not attempted to whitewash Leicester.

of De Quadra, the Spanish ambassador, have any meaning, Elizabeth was an accomplice with Leicester in the murder of Amy Robsart; and since she deliberately countenanced and specially favoured a man who entertained a poisoning physician for the purpose of secret assassination, the inference is irresistible that poisoning was countenanced at the court of Elizabeth; for it is incredible that Elizabeth was ignorant of that principal feature of her minion Leicester's character, comprehended in the one word *assassin*. Queen Elizabeth, therefore, was not by any means so different as has been supposed from the two contemporary royal ladies, Mary Stuart and Margaret of Valois. They were all three women of loose morals; while Margaret of Valois has been pronounced the superior of both the others in beauty, wit, learning, and political talent; possessing 'more beauty and wit than Mary of Scotland, more learning and accomplishments than Elizabeth of England.' [1]

In estimating the value of Scott's hypothesis respecting the story of the death of Robert Dudley's first wife, it must be remembered that Sir Walter Scott, besides being a great poet—the greatest, using the term poet as applicable to a writer of fiction in prose as well as in verse, that Britain has produced since Shakespeare—was an antiquary of great and varied information; [2] and therefore that he knew all or nearly all that was to be known at the time he wrote respecting the death of Amy Robsart, where there was no complicated mass of evidence to be carefully sifted and carefully weighed. But

[1] Motley's Rise of the Dutch Republic, vol. iii. p. 145.

[2] Besides the works already mentioned, Sir Walter Scott edited Memoirs of his Life by Robert Carey, Earl of Monmouth, and Fragmenta Regalia by Sir Robert Naunton, 8vo., Edinburgh, 1808.

a totally different result was to be expected in a case where a vast and complicated body of evidence had to be examined. Accordingly, in the matter which King James called the Gowrie Conspiracy, Sir Walter Scott has not shown himself a competent and impartial collector and judge of historical evidence.

The principal difficulty which the writer has to contend with, in attempting to convey to others the results of his own investigation of the affair which King James called the Gowrie Conspiracy, is the bulk of the evidence. He is well aware that his argument would be much more telling if it were more compact. But the argument being grounded on depositions which cannot be given in substance—the conclusion often turning on the very words used by the witnesses—it is manifest that the depositions must be given at some length. I will endeavour, however, by omitting all that seems not indispensable, to render the argument as compact as I can.

Historical writers have described the affair called the Gowrie Conspiracy as 'one of the darkest in history;'[1] as 'perhaps one of the most perplexing puzzles in history.'[2] The cause of this perplexing darkness is a simple one enough. Historians have neglected to apply to this case the principles of judicial evidence; without which no historical fact, as well as no fact in ordinary life, which is involved in any degree of mystery, can ever be explained. David Hume has carefully avoided all allusion to that dark business. His acuteness probably indicated to him pitfalls in it, which even his adroitness as an advocate

[1] Sir Walter Scott's History of Scotland, in Tales of a Grandfather, vol. i. p. 336, Edinburgh, 1846.

[2] Pictorial History of England, vol. ii. p. 690.

might be unable to carry him over in perfect safety; pitfalls which many historical writers, including Sir Walter Scott, Mr. Patrick Fraser Tytler, and Mr. Buckle, have not escaped.

The means of testing the truth of the statements of the ancient historians in most cases do not exist, though many, very many, of their statements have probably been made on very insufficient evidence. But I know no case in the whole range of modern history that affords so remarkable an example of a statement gravely put forth as history not only without, but against evidence, as Sir Walter Scott's account in his history of Scotland [1] of the affair which King James called 'the Gowrie Conspiracy.' Sir Walter Scott has adopted, as if it were a proved and incontrovertible series of truths, King James's narrative put forth 'by authority' at the time; and has thus given the support of his celebrated name to the decision of a dark historical question on the single unsupported testimony of an individual who was at once the principal witness and judge in his own cause. And not content with turning a story resting upon such evidence into history, Sir Walter Scott has, in one of his romances, characterised the basest and most cowardly act of a life of cowardice and baseness as one in which King James 'showed the spirit of his ancestors.'

One of the strangest circumstances about that strange business, commonly called the Gowrie Conspiracy, is that, though nobody at the time either in Britain or out of it believed the king's story,[2] writers who lived from one to two hundred years after the time have treated the king's

[1] The History of Scotland, from the earliest peried to the close of the Rebellion of 1745–46, contained in Tales of a Grandfather, by Sir Walter Scott, Bart., 2 vols.: Robert Cadell, Edinburgh, 1846, vol. i. pp. 333–338.

[2] Of the king's version of the story, which he called the Gowrie Conspiracy,

story as if it were a piece of authentic history. If it may be said, in defence of Sir Walter Scott, that Mr. Pitcairn's 'Criminal Trials of Scotland,' in three large quarto volumes, the second volume of which contains the depositions in the Gowrie case, carefully compiled from the original records, were not published till 1833, it is evident, from the authorities given in the note below, that the view of the matter taken by Sir Walter Scott is not supported by the evidence which was

Francis Osborne says:—'No Scotchman you could meet beyond seas but did laugh at it, and the peripatetique politicians said the relation in print did murder all possibility of credit.' Osborne's Memorials of King James, c. 41, Osborne's Works, p. 536: London, 1673. Arthur Wilson and the writer of the note in Kennett (Kennett, vol. ii. p. 667, note) take much the same view of the 'Gowrie Conspiracy' as Osborne and Weldon (Kennett, vol. ii. p. 662, note). That the king's story was not believed at his own court there is also the authority of La Boderie, the French ambassador in England, whose dispatches were published in 1750. La Boderie, in several dispatches to which I shall have occasion to refer subsequently, intimates his disbelief of the king's story. And it is remarkable that while La Boderie, who lived five years at James's court, and was on intimate terms with Ramsay, who stabbed the Ruthvens, expresses his belief in James's guilt, writers living two centuries after pronounce James innocent, and the Ruthvens guilty of a conspiracy against him. If Dante had written his poem within a few years of the event referred to, he would probably have introduced Alexander Ruthven relating the manner and cause of his own cruel and violent death in terms that would have embodied the opinion prevalent throughout Europe at the time. In that case 'The Black Turnpike' of Gowrie House might have become as famous or as infamous as Dante's 'orribile torre,' the scene of the terrible fate of Count Ugolino and his children. One of the most striking of the many strange things in Dante's strange poem is the melancholy story of the details of many violent and unjust deaths, given—as can never be done on any coroner's inquest—by the murdered person. In this way Amy Robsart as well as Alexander Ruthven might have found an avenger against those whom no human laws could at that time reach. As it is, the same writer who has, as I have said, set the stamp of immortality on the wrongs of Amy Robsart has, for want of the requisite labour in examining the evidence, added the weight of his celebrated name to the condemnation of the Ruthvens. A stronger proof could hardly be found of the difficulties that beset the inquirer into historical truth—difficulties that almost seem to justify Hume's words in his Treatise of Human Nature, that 'if truth be at all within the reach of human capacity, it is certain it must lie very deep and abstruse.'

clearly within his reach. And Mr. Tytler and other writers, who might have availed themselves of the evidence published by Mr. Pitcairn, have followed the lead of Sir Walter Scott, either from carelessness in examining evidence or from incapacity to weigh it when examined. This does not so much surprise us in writers whose minds might not be very open to the reception of any evidence that told against the Stuarts; but it is a little surprising to find a writer like Mr. Buckle accepting to the full these conclusions; a writer, who, on other points, differed so widely from Sir Walter Scott as to affirm that 'there are few things more absurd than that lying spirit of romance which represents the rising of the Highlanders as the outburst of devoted loyalty.'[1]

Sir Walter Scott has given, with his usual ability, a summary of the king's narrative; which summary, not being in the form of a quotation, places the uninterrogated unsifted evidence of a single and deeply interested witness on the level of authentic history, and is well calculated to throw the gravest doubts upon the whole subject of historical truth. Sir Walter thus commences his story:—

'But the strangest adventure of James's reign was the event called the Gowrie Conspiracy, over which there hangs a sort of mystery, which time has not even yet completely dispelled. You must recollect that there was an Earl of Gowrie condemned and executed when James was but a boy. This nobleman left two[2] sons, bearing

[1] Buckle's History of Civilisation, vol. ii. pp. 296, 297.

[2] He left thirteen children, five of whom were sons. 1. James, the second earl, born in 1557, who died in 1588. 2. John, the third earl, born about 1578; and 3. Alexander, born in January, 1580–1. (These two, John and Alexander, were the two brothers killed at Perth on the 5th of August, 1600). 4. William. 5. Patrick.

the family name of Ruthven, who were well educated abroad, and accounted hopeful young men. The king restored to the eldest the title and estate of Gowrie, and favoured them both very much.

'Now it chanced in the month of August, 1600, that Alexander Ruthven, the younger of the two brothers, came early one morning to the king, who was then hunting in the Park of Falkland, and told him a story of his having seized a suspicious-looking man—a Jesuit, as he supposed—with a large pot of gold under his cloak. This man, Ruthven said, he had detained prisoner at his brother's house in Perth, till the king should examine him, and take possession of the treasure. With this story he decoyed James from the hunting-field, and persuaded him to ride with him to Perth, without any other company than a few noblemen and attendants, who followed the king without orders. When they arrived at Perth, they entered Gowrie House, the mansion of the earl, a large massive building, having gardens which stretched down to the river Tay. The Earl of Gowrie was, or seemed surprised, to see the king arrive so unexpectedly, and caused some entertainment to be hastily prepared for his Majesty's refreshment.'[1]

It will be observed that Sir Walter Scott, by the use of the words 'with this story he *decoyed* James from the hunting-field,' abdicates completely the character of a judge—the proper character of an historian—for in the first paragraph of his narrative he prejudges the whole question. I will show, from the suppressed deposition of a credible witness, that the whole story of the man with

[1] Sir Walter Scott's History of Scotland, in Tales of a Grandfather, vol. i. pp. 333, 334.

the pot of gold, by which Alexander Ruthven was by the king alleged to have decoyed him to Perth, is a falsehood. Although I myself have a hypothesis, I will carefully abstain from any obtrusion of it, and will endeavour in the following pages to avoid mixing up inference with matter of fact.

On the afternoon of Tuesday, August 5, 1600, a rumour suddenly spread among the citizens of Perth that something extraordinary had happened at the house of their provost, the Earl of Gowrie. Soon after the 'common bell,' as it is called in the depositions,[1] was rung; and 'at the sound of the bell'[2] the citizens ran to arms, beset the entrance gate, and swarmed into the court-yard of Gowrie House.

What first met the observation of those inhabitants of Perth who assembled at the sound of the common bell, on the afternoon of Tuesday, August 5, 1600?[3]

[1] Pitcairn's Criminal Trials in Scotland, vol. ii. p. 196 (20).

[2] See the depositions of the various 'indwellers of Perth' in Pitcairn's Criminal Trials, vol. ii. pp. 194–208. In many cases the deponent says 'came with his armour at the sound of the bell.'

[3] The first impressions of the citizens of Perth are thus given in the deposition of Alexander Peblis, which is in accordance with many of the other depositions:—'Alexander Peblis deposed that during all the time of the tumult he was locked in his own house, and looking out at the window heard James Bower and others crying up to the round [turret], 'Is my lord of Gowrie alive? If he be not alive, he should have amends of all that were therein!' Would not depart till they saw my lord of Gowrie; and one of them cried up, 'Greencoats! we shall have amends of you!' Wagging their hands up, saying, 'Ye shall pay for it!' Heard Thomas Elder cry up for 'Ane sight of the Earl of Gowrie.' Heard Robert Talyeour say, 'Traitors and thieves that has slain the Earl of Gowrie!' Heard Violet Ruthven and other women cry, 'Traitors! thieves! The Earl of Gowrie had anew [enough] to take meat and drink fra hame [from his house], but has none to revenge his death!"'—*Pitcairn*, vol. ii. pp. 199, 200. Lord Hailes says that, according to Calderwood's MS. vol. v. p. 411, 'Alexander Ruthven of Forgan cried up, "Come down, thou son of Signior Davie" [meaning David Rizzio—"Son of Signior Davie" being a common designation of King James in Scotland] "thou hast slain an honester man than thy-

Two persons are found murdered in Gowrie House; namely, the master of the house, the Earl of Gowrie, and his brother Alexander Ruthven. Besides these two, no other persons are found to have been killed on the spot. If such an event had occurred in England at that time, there might have been a coroner's inquest with as much or as little effect as in the case of Amy Robsart. But there was no coroner's inquest in Scotland then, and indeed there is none now.

Some days after the event above mentioned several of the slain Earl of Gowrie's servants were examined by the king's privy council, some of them being subjected to the torture of the 'boots;' and the result was communicated to the public by a long statement, styled 'A Discourse,'[1] purporting to be the king's own account or narrative of the affair, published by authority, and accompanied by the deposition of three witnesses taken at Falkland before the privy council. These depositions were

self;" and George Craigengelt cried up with the rest of the town there convened, "Give us out our provost, or the king's green coat shall pay for it." '—*Haile's Annals of Scotland*, vol. iii. p. 374, note.

[1] It will be seen from what follows that it is important to ascertain as far as possible the exact date of the publication of the king's own account of this affair; which account is intituled 'A Discourse of the Unnatural and vile Conspiracie against His Majestie's Person.' Thus much is certain, that it was published by authority at Edinburgh about the beginning of September, 1600; for Nicolson, Queen Elizabeth's agent in Scotland, sent it to Sir Robert Cecil on the 3rd of September, 1600. M.S. State Paper Office, cited by Lord Hailes, Annals of Scotland, vol. iii. p. 345, note. It has been reprinted in the fourth volume of the Harleian Miscellany, in Cogan's Tracts, in the Memoirs of David Moyses; and with annotations by Lord Hailes, Edinburgh, 1757; and in the third volume of his Annals, 3rd edition, Edinburgh, 1819, p. 345, *et seq.* It has again been reprinted in Pitcairn's Criminal Trials in Scotland, vol. ii. p. 210, *et seq.* The king and his assistants were no doubt at work upon it during the last three weeks of the month of August. The depositions of William Rind and Andrew Henderson were taken at Falkland by the assistance of Mr. Thomas Hamilton, the king's advocate, and of 'the boots,' on the 20th of August; and, after that, the finishing touches were given to this notable performance.

published as corroborative evidence of the truth of the king's narrative. There were, however, many other depositions taken, which were suppressed, but, like some other depositions, afterwards taken when James was king of England, in relation to the case of Sir Thomas Overbury, unfortunately for King James's memory, were not destroyed. These depositions relating to this Gowrie case, which were suppressed by King James, have been printed by Mr. Pitcairn from the Scottish records. As King James and his advisers did not think fit to publish any of these with their 'Discourse,' they probably considered them as partaking more of the nature of infirmative than of corroborative evidence.

Among these depositions which were not published with the 'Discourse,' there is a very important one, that of George Craigengelt, which contradicts point blank the king's assertion that a story told by Alexander Ruthven about a man with a pot of gold was the cause of the said king's going to Gowrie House. This George Craigengelt appears to have been master of the Earl of Gowrie's household, and his deposition was taken at Falkland on the 16th day of August, 1600.

George Craigengelt, being examined, declares, 'That he was lying sick in his bed that day,[1] till after the king's coming; that Thom Eldar and John Barroun came to him and bade him rise, and said "the king was come." Which he did, and came to the kitchen, where he found no appearance of meat for the king; and therefore sent out to Duncan Robertson's house, where he got a mure-

[1] Andrew Henderson states in his deposition before the parliament that 'he took up the first service by reason George Craigengelt was sick.' And this is confirmed by other deponents.

foule [muir-fowl, grouse]. And thereafter, this deponer caused make ready a shoulder of mutton and a hen; which was long in doing. And that he thereafter went up and brought down some strawberries and dressed five or six dishes of dessert; and in the going up the stair, met the Master of Gowrie [1] booted, and inquired at him, "Where he had been?" who answered, "An errand not far off." And the deponer inquired again, "What moved the king to come so suddenly, unlooked for?" who answered, that "Robert Abircrumby, that false knave, had brought the king there, to cause his Majesty take order for his debt."' [2]

Now it may be asked why Robert Abercromby was not produced in order to test the truth of this account of the cause of the king's coming so suddenly to Gowrie House, and the king's own account thereof respectively. The suppression of the testimony of this Robert Abercromby must be considered as affording evidence of delinquency on the part of the king, and amounting to one article of circumstantial evidence of the falsehood of his account of the cause of his coming to Gowrie House on August 5, 1600.[3]

The three witnesses, whose depositions were published with the 'Discourse,' were James Weimys of Bogie, William Rynd, the Earl of Gowrie's pedagogue, and

[1] Alexander Ruthven, called, according to the custom in Scotland, the Master of Gowrie, because he was the eldest of the earl's brothers. If the earl's father had been alive, the earl, as the eldest son, would have been the Master of Gowrie.

[2] Pitcairn, ii. 157, 158.

[3] See the chapter in Bentham 'Of Suppression or Fabrication of Evidence, considered as affording Evidence of Delinquency,' vol. iii. p. 165, *et seq.* At present we are dealing with suppression; we shall have in the sequel to deal with fabrication; for this case presents some remarkable and instructive specimens of both.

Andrew Henderson, the earl's chamberlain of Scone. The evidence of Weimys seems to have been used with the view of raising a charge of witchcraft or magic—a charge which may be dismissed with the observation of Lord Hailes, that what Tacitus says of treason under the reign of Tiberius may be said of witchcraft under the reign of James: 'omnium accusationum complementum erat.'

Rynd's and Henderson's depositions were both taken on August 20. And, what is an important circumstance, Rynd's deposition was taken *first*, and he was 'extremely booted,' which might possibly save the trouble and serve the purpose of booting Henderson extremely.

As Craigengelt had stated in his deposition, also taken at Falkland, on the 16th, four days before, that Rynd 'had my lord's ear more than any man,' it was very important to obtain from Rynd some declaration or admission of something on the part of the Earl of Gowrie in the nature of a plot against the king. It therefore seemed worth while to apply the extremity of torture to the unfortunate man.[1] Let us now see how much this produced.

'Maister William Rynd, sworn and examined, and demanded "Where he first did see the characters which were found upon my lord?" Depones, that he, having

[1] The statement of Nicolson, Queen Elizabeth's agent, as to Rynd's being tortured, is confirmed by another and even a better authority. Melville, in his MS. Diary cited by Mr. Pitcairn, ii. 238, note 1, says, 'Then was Henderson tried before us; and Gowrie's pedagogue, who had been booted.' Rynd's examination was conducted 'Apud Falkland, 20th August, 1600, in presence of the Lords Chancellor, Treasurer, Advocate; Sir George Home of Spot, Sir Robert Melvill and Sir James Melvill, Knights.' Henderson's examination followed on the same day in the presence of the same persons with the exception of Sir Robert Melvill.

remained a space in Venice, at his returning to Padua, did find in my lord's pocket the characters which were found upon him at his death: and the deponer, inquiring of my lord "Where he had gotten them?" my lord answered, "That by chance he had copied them himself:" and the deponer knows that the characters in Latin are my lord's own hand-writing; but he knows not if the Hebrew characters were written by my lord. Being demanded "for what cause my lord kept the characters so well?" depones, that, to his opinion, it was for no good; because he heard, that in those parts where my lord was, they would give sundry folkes breeves.[1] Depones also that, on Monday, August 4, the Master, Andrew Henderson and the deponer remained in my lord's chamber till about ten hours at even, and after a long conference betwixt the lord and the Master, my lord called for Andrew Henderson, and after some speeches with him dismissed them.'

This long conference, so late as ten P.M., between Gowrie and his brother, taken in connection with his brother's starting for Falkland on the following morning at four o'clock, would seem to indicate some business with the king; which business would probably be explained if certain letters mentioned in the following 'Item' at the end of July, 1600, in the Account Books of the Lord High Treasurer of Scotland, had not been carefully destroyed by those who destroyed Gowrie and his brother. 'Item, to a boy passing from Falkland again [of new] with close letters to my Lord Incheaffray and Mr. Ruthven . . 24*s*.'[2] Immediately before the above entry there is the following: 'Item, to a boy passing from

[1] On this word Lord Hailes has this note: 'I think this word here means magical writings, amulets, &c.'

[2] Pitcairn, ii. 237.

Edinburgh with close letters to the Earls of Atholl and Gowrie . . 32*s*.'[1] The destruction of these letters is one more among the many instances of suppression or destruction of evidence in this remarkable case.

Rynd's deposition thus proceeds :—

'Denies that he knew of the Master's or Andrew Henderson's riding to Falkland ; and after Andrew's return from Falkland upon the morrow, howbeit he did see him booted, yet he knew not that he was come from Falkland.

'It being demanded how the deponer was satisfied with my lord's answer made to him, concerning the king's coming to Saint Johnstoun [Perth], saying that he knew not how [why] he came? declares that he thought my lord had dissembled with him, and that he behoved to have known it, seeing his brother was come with his Majesty before that he demanded of him, and that he had conferred with my lord privily.'

The last words differ from the statement of Henderson, who says 'that Andrew Ruthven came before the Master a certain space, and spake with my lord quietly at the table, but heard not the particular purpose that was amongst them. And as soon as the Master came to the hall, my lord and the whole company rose from the table.' Still the words of Rynd may have reference to the Master's having taken occasion to whisper a few words to his brother to the same effect as those above mentioned, which he had used to Craigengelt.

Rynd's deposition thus proceeds :—

'Depones, that he knew not that the Master was ridden to Falkland, until after his Majesty's coming to St. Johns-

[1] Pitcairn, ii. 237.

toun, that Andrew Ruthven told him; because the deponer inquired of Andrew Ruthven "where the Master and he had been?" and that Andrew answered, "they had been in Falkland:" and that the Master having spoken with the king, his Majesty came forward with them: and that this conference betwixt the deponer and Andrew Ruthven was in the yard, when my lord was there. And Andrew Ruthven shewed to the deponer that Andrew Henderson was directed by the Master to shew my lord that his Majesty was coming.'

This last sentence was probably part of the produce of the 'boots.' Independently of the improbability of Henderson's being able to ride from Falkland with such speed as to be at Gowrie House by ten o'clock, a distance which it took Alexander Ruthven from four o'clock A.M. to seven to ride, there is the evidence of Craigengelt that nothing was known at Gowrie House of the king's coming at the time it would have been known if Henderson's statement and this statement of Rynd's had been true; and there is also the evidence of one of the king's own witnesses, the Abbot of Incheaffray, that Henderson was not with Alexander Ruthven at Falkland. I will give this evidence here.

'The Abbot of Incheaffray, sworn and examined, depones, That upon the 5th day of August last by past, this deponer, being in Falkland, about seven hours in the morning, he met Maister Alexander Ruthven, accompanied with Andrew Ruthven; and at that time only saluted the said Maister Alexander, without any conference further at that time: And at that time he saw the said Maister Alexander enter in conference with his Majesty, upon the green, betwixt the stables and the

park; which conference enduring for the space of a quarter of an hour: And the said Maister Alexander accompanied his Majesty till they came to the meadow. And at his returning from his Majesty, this deponer desired Maister Alexander to dischone[1] with him, by reason his own could not be [2] sasone [in time] be prepared. To whom Maister Alexander answered, 'He might not tarry, by reason his Majesty had commanded him to await upon him.'[3]

The discrepancy between this statement and Henderson's will be seen at once. Henderson declares that they arrived at Falkland at the very time the abbot specifies, namely, 'about seven hours in the morning;' why, then, did the abbot not mention that Alexander Ruthven was accompanied by Andrew Henderson as well as by Andrew Ruthven? Sir Thomas Erskine begins his deposition by the words 'depones conform to the Lord Incheaffray.' It may thence be concluded that he, too, saw Alexander Ruthven accompanied by Andrew Ruthven but not by Andrew Henderson. It would be hazardous to speculate on the effect of 'the boots' on any individual. But perhaps they might have opened the eyes of the abbot and of the knight to a vision of Henderson at Falkland as they had opened the eyes of the pedagogue and of the chamberlain. Moreover John Moncreif, the laird of Moncreif, who met Andrew Henderson about ten o'clock riding into Perth and stopped to speak with him, deposes that in reply to his question Henderson 'answered that

[1] To breakfast with him—a Scottish transformation of the old French *dejeuner*.

[2] By season. In old Scotch 'by' means beyond: as in 'by ordinary' beyond ordinary; and 'by' in English is expressed by 'be' in Scotch.

[3] Pitcairn, ii. 180.

he had been two or three miles above the town;'[1] and he makes no remark as to the state of his horse, which, had Henderson come from Falkland in two hours, must have struck Moncreif as being at variance with the assertion that he had only 'been two or three miles above the town.' The manifest inference from all which is, that Henderson never was at Falkland on that day, as he afterwards swore.

Rynd's deposition thus proceeds:

'Depones also, that, in his opinion, the Maister could not have drawn the king to my lord's house, without my lord's knowledge: and that, when he heard the tumult, he was resolved in his heart the Master had done his Majesty wrong; and that no true Christian can think otherwise, but that it was an high treason, attempted against his Highness by the Master and the lord.

'Depones also, that, in his opinion, the king's whole company was within a dozen of men.'[2]

The effect of the 'boots' is very visible in these last sentences of poor Rynd's deposition; and yet, after all, they only contain 'opinions,' without a single shadow of a fact to prove a conspiracy against the king by Gowrie and his brother.

Two days after, on August 22, Rynd was 're-examined, if ever he heard the Earl of Gowrie utter his opinion anent the duty of a wise man in the execution of an high enterprise? Declares that, being out of the country, he had divers times heard him reason in that matter, and that he was ever of that opinion, that he was not a wise man, that, having intended the execution of an high and

[1] Pitcairn, ii. 185.

[2] Pitcairn, ii. 219, 220. Hailes, Annals of Scotland, iii. 383-387.

dangerous purpose, did communicate the same to any but to himself; because keeping it to himself,[1] it could not be discovered nor disappointed: and hearing the depositions of Andrew Henderson read, and being inquired upon his conscience what he thought of the fact that was committed against his Majesty? declares that, upon his salvation, he believes Andrew Henderson has declared the circumstances truly.'[2]

Such was the utmost that the king and his councillors could obtain in the form of proof of a conspiracy by the Earl of Gowrie. The story or fable of a conspiracy was not believed even in King James's own court and household. Melville in his MS. diary, says: 'At that time (the end of August, 1600) being in Falkland, I saw a fuscambulus Frenchman play strange and incredible pratticks, upon stented tackle [the tight rope], in the Palace-close, before the king, queen, and whole court. This was politiklie done, to mitigate the queen and people from Gowrie's slaughter.'[3] If the king's story had been believed, no mitigation would have been needed.

With all King James's care, however, to suppress evidence on the other side—to kill, torture, bribe, and suborn witnesses, and to destroy documents—some documents have been preserved which go far to sap the very foundations of the only evidence he was ever able to produce in his favour—the testimony, namely, of Andrew Henderson. If Andrew Henderson's assertion in his deposition 'that the king would have been twice stabbed that day, had not he relieved him' be true; nay, if the

[1] It will be seen that King James afterwards changed his scheme of fabrication, and charged Gowrie with having communicated his plans to Logan of Restalrig.

[2] Pitcairn, ii. 221. Hailes, iii. 393, 394.

[3] Pitcairn, ii. 238, note 1.

king's assertion in his narrative 'that the man in the study [that is, according to the ultimate arrangement, Henderson] opened the window for him' to enable him to cry 'Treason! Murther!' be true, how comes it that the summons of treason issued in August includes the name of 'Andrew Henderson, chamberlain of Scone,' together with the names of those who had taken an active part in the attempt to protect the Earl of Gowrie, and who still survived, Cranstoun, Craigengelt, and Macduff, having been executed at Perth on August 23? The summons charges 'William Ruthven, brother and heir to the late John, Earl of Gowrie, and Mr. Alexander Ruthven his brother, Harie [Harry] and Alexander Ruthven, sons to the late Alexander Ruthven of Freeland, Hew Moncreiff brother to the Laird of Moncreiff, Patrick Eviot brother to the Laird of Bousie [or Balhoussy], and *Andrew Henderson, chamberlain of Scone*, to compear before our Sovereign lord and his Justice, the fourth of November next, in his parliament, &c.'[1] The payment of twenty pounds to John Blenscheillis, Ilay Herald, for the proclamation of this summons at various places, is one of the items in the Accounts of the Lord High Treasurer of Scotland. But by October the name of Andrew Henderson had disappeared from the list of traitors, as appears from an entry of the payment of 21*s.* 4*d.* 'to Andrew Home, messenger, passing to the market-cross of Edinburgh, and there, after sound of trumpet, inhibit the receipt or intercommoning with Henry and Alexander Ruthven, brothers to Mr. William Ruthven of Freeland, and Hew Moncreiff brother to the Laird of Moncreiff, and Patrick Eviot brother to the Laird of Balhoussy.'[2]

[1] Pitcairn, ii. 240.

[2] *Ibid.* ii. 241.

Is it credible that if Henderson, as he swore, had twice saved the king's life on that day, his name would have been inserted in the list of those against whom a summons of treason was issued?

Besides the important fact pointed out by Dr. Robertson, that Henderson's evidence contradicts the king's statement on four points, there is this other fact, still more important, that Henderson's deposition, when he was examined before the Privy Council at Falkland in August, contradicts his deposition when he was examined before the parliament at Edinburgh in November, on a point, as Lord Hailes[1] has observed, 'of the utmost moment.' The first deposition plainly intimates that it was Alexander Ruthven's intention to murder the king; the second leads us plainly to the conclusion that he had no other design than to detain the king a prisoner. The *memory* of a man who was telling truth could not fail him on such a point as this at such a distance of time as two months.

Upon the whole, after a long and careful consideration of all the evidence I have been able to obtain on this point—including the deposition given in a subsequent page, and never, as far as I know, noticed before, of William Robertson, notary—I can come to no other conclusion than that the whole of Andrew Henderson's statement is a tissue of falsehood; and that there is not any evidence of a credible nature that he was at Falkland on that day, or that he was in the chamber with the king and Alexander Ruthven at all. It is impossible that a man telling a true story could have fallen into such contradictions as Henderson fell into. 'For, by the

[1] Annals, iii. 391, note.

delivery of a true story, no other faculty is called into exercise but the *memory*; a faculty in respect of which, to any such purpose as that here in question, no deficiency can exist in the mind of any man. For the delivery of a false story adequate to the production of the same effect, the exercise, and the successful exercise, of two other faculties, each of which must be possessed in an extraordinary degree of perfection, viz. invention and judgment, is indispensable.'[1] It is evident that Andrew Henderson was very far from possessing the two faculties, invention and judgment, in the extraordinary degree requisite for what he undertook.

But besides the discrepancy between the reason assigned by the king for his coming to Gowrie House on the 5th of August, 1600, and the reason assigned in Craigengelt's deposition, there is also a discrepancy between the story told by the king on the 6th of August and the story told by him in his 'Discourse' or narrative published at the beginning of September, as will appear from what follows.

The king says in his narrative that Alexander Ruthven, at Falkland, on the morning of the 5th of August, told him that the evening before, walking about the fields, taking the air alone, without the town of Saint Johnstoun, he met with a man unknown to him; and perceiving that there appeared to be something to be hid under his cloak, he cast aside 'the lappes of it, and so finds a great wide pot to be under his arm, full of coined gold in great pieces;' that he took the man with him to the town, and without the knowledge of any man bound him in a private solitary room; 'and after locked many doors upon

[1] Bentham's Rationale of Judicial Evidence, vol. v. p. 712.

him, and left him there and his pot with him, and had hasted himself out of Saint Johnstoun, that day by four hours in the morning, to make his Majesty advertised thereof, according to his bound duty; earnestly requesting his Majesty, with all diligence and secresy, that his Majesty might take order therewith, before any know thereof, swearing and protesting that he had yet concealed it from all men, yea from the earl his own brother.'[1]

There is a great deal added to this in the king's narrative, so as to give the appearance of circumstantiality to the story—a circumstantiality which would have opened a wide and rich field for the exercise of skill in cross-examination, and which cross-examination—and still more the confronting with his Majesty of the all-important witness Alexander Ruthven, whose lips he had taken care to seal in the silence of death—would have rendered the story very different from what it now is, though somewhat less fit for the purposes of those who turn history into 'lying romance.' For example, the king says, 'Whereupon his Majesty resolved that he would send back with the said Maister Alexander a servant of his own, with a warrant to the Provost and Bailiffes of Saint Johnstoun, to receive both the fellow and the money at Maister Alexander's hand, and, after they had examined the fellow, to retain him and the treasure till his Majesty's further pleasure was known.'

'Whereat,' continues the king's narrative, 'the said Maister Alexander stirred marvellously; affirming and protesting that if either the lord, his brother, or the Bailiffes of the town, were put on the counsel thereof, his

[1] Hailes, iii. 347, 348. Pitcairn, ii. 210.

Majesty would get a very bad count made to him of that treasure, swearing[1] that the great love and affection he bare unto his Majesty had made him to prefer his Majesty in this case both unto himself and his brother. For the which service he humbly craved that recompense, that his Majesty would take the pains once to ride thither, that he might be the first seer thereof himself.' The king's narrative further represents 'Maister Alexander protesting that his Majesty would not find every day such a choice of hunting as he had offered to him, and that he feared that his Majesty's long delay and slowness of resolution would breed leisure to the fellow, who was lying bound, to cry or make such din as would disappoint the secresy of that whole purpose, and make both the fellow and the treasure to be meddled with, before any word could come from his Majesty.'[2]

Now in the first place this statement is not only totally at variance with the deposition of George Craigengelt, taken on oath, that when he inquired of Alexander Ruthven, the Master of Gowrie, 'What moved the king to come so suddenly, unlooked for?' the Master answered that 'Robert Abircrumby, that false knave, had brought the king there, to cause his Majesty take order for his debt;' but it is also totally at variance with the account given at first by the king himself of the cause of his visit to Gowrie House on the 5th of August. There

[1] It will be observed that throughout this Discourse King James makes Gowrie and his brother, who, as strict Presbyterians, were most unlikely to do so, 'swear' and 'cry out with great oaths' in the peculiar manner in which his 'sacred Majesty' was in the habit of 'shotting his discourse.' So little does the king keep up the dramatic probability of his drama.

[2] Hailes, iii. 349, 350. Pitcairn, ii. 211.

is a letter[1] in the English State Paper Office from George Nicolson, Queen Elizabeth's ambassador in Scotland, to Sir Robert Cecil, Secretary of State, written on the 6th of August, the day after the slaughter of the Ruthvens at Perth. This letter opens with the following words: 'This day morning, at nine hours at that tide, the king wrote to the Chancellor, Secretary, and others, and to some of the Kirk; and word came hither in this manner, and the Lord Secretary told me, that yesterday the Earl of Gowrie sent the Master[2] his brother, Mr. Alexander Riven [Ruthven], to the king, hunting in Falkland Park; showing the king that where for his adoies [his business] he had much troubles to get treasure, his brother the earl had found in an old tower, in his house at St. Johnstoun's [Perth], a great treasure to help the king's turn, which, he said, his brother would fain have the king go to see quietly that day.'

Such was the first edition of the king's account of the cause of his going to Gowrie House on the 5th of August. By the end of August it had assumed, as we have seen at page 208, a totally different shape. The fair inference is that neither of these accounts is true.

The part of Craigengelt's deposition that has been given, besides its effect of an infirmative character on the king's story, proves likewise how extremely unwelcome as well as unexpected to the Ruthvens was the visit to their house of the king with his train of attendants; who, with the example set before them by their royal master,

[1] Printed in Chalmer's Life of Ruddiman, p. 443; and reprinted in Pitcairn, ii. 313-315.

[2] Nicolson writes it 'Mr.' In another letter of his, which I shall have occasion to refer to afterwards, he describes the wife of the Master of Angus as the 'Mrs. of Angus.'

might be disposed to use Gowrie House as if it were an inn, and to whom Swift's satire would have appeared no satire at all, but serious advice.[1]

As Lord Hailes remarks, 'if the Earl of Gowrie meant to destroy the king, he ought not to have entertained him in a manner capable of creating suspicion.'[2] The king indeed admits in his own 'Discourse' or narrative that 'the longsomeness of preparing the dinner, and badness of the cheer, were excused upon the sudden coming of his Majesty unlooked for there.' This was no doubt the truth. If Gowrie and his brother Alexander had formed any plot to entrap the king into their power, they would have acted very differently. They would have acted as the chancellor Crichton and King James II. did, when the former inveigled one Earl of Douglas into the Castle of Edinburgh and murdered him, and the latter another Earl of Douglas into the Castle of Stirling and murdered him. Observe the strength of those places as compared with Gowrie House—not a place of strength at all, though Mr. Buckle calls it a castle.[3] Moreover when the Earl of Douglas unwarily accepted the king's invitation to visit him in Stirling Castle, though the king at first received him kindly and entertained him royally, the numerous and warlike followers of Douglas were quartered in the town of Stirling, and the earl himself was admitted *alone* into the castle, situated upon a scarped rock, and only accessible by one gate strongly defended. The very statement of such facts, with the addition that on the present occasion

[1] 'If your master lodgeth at inns, every dram of brandy extraordinary that you drink raiseth his character.'—*Swift's Footman.*

[2] Annals of Scotland, vol. iii. p. 358, note.

[3] Buckle's History of Civilisation, vol. ii. p. 256.

the king's attendants, all admitted into the court-yard and house, were more numerous than those of the earl, and that the people of the town of Perth took no part whatever in the affair till they heard the common bell ring, which was done for protection of the king, not of the Ruthvens, by order of Andrew Ray,[1] one of the bailies of Perth, about the time Alexander Ruthven was slain by the king's servants, renders the supposition of any plot by the Ruthvens against the king altogether absurd. They were young, it is true, mere boys; but they were neither insane nor idiotic. And to have formed a plot, and executed it in such a manner, would imply that they were either the one or the other. They were neither. Unhappy boys! to perish by such a fate, and to leave behind them, though perishing so young, a blackened memory!

> quia nec fato, meritâ nec morte peribant;
> Sed miseri ante diem.

In the king's 'Discourse' are these words: 'His Majesty declaring his suspicion plainly to the said Lord Duke [of Lennox], that he thought him [Alexander Ruthven] not well settled in his wits.'[2] There is considerable art in this insinuation. For if the king could have established that Alexander Ruthven's wits had become somewhat unsettled, his difficulty of giving a colourable account of the struggle that was admitted to have taken place between himself and Ruthven would have been considerably diminished. If he could have shown that Alexander Ruthven was labouring under some morbid mental delusion, the whole matter might have been made easy without having recourse to murder, torture, and forged evidence. But this attempt did not

[1] See his deposition. Pitcairn, ii. 186.
[2] Hailes, iii. 358. Pitcairn, ii. 213.

meet with the smallest success, the Duke of Lennox in his deposition representing himself as answering that 'he knew nothing of him [Alexander Ruthven] but an honest discreet gentleman.'[1]

The king says, in his 'Discourse,' 'His Majesty stayed an hour after his coming to the said earl's lodging in Saint Johnstoun before his dinner came in.'[2] The remark which follows, and which has just been quoted, about the 'longsomeness of preparing' his Majesty's dinner, naturally suggests the question, Why did not the king employ this hour of waiting for his dinner in the examination of the man with the pot of gold, to see and examine whom was his alleged object in coming to Gowrie House? This mode of passing the time would have materially diminished the 'longsomeness' of which he speaks; and would besides have been attended with the important advantage of conducting the examination of the alleged prisoner with a cooler and clearer head than his Majesty would be likely to have after dinner. He had, indeed, as Nicolson informs us, already 'taken a drink'[3] after his hunting and before starting for Perth. His Majesty was seldom long at any time without 'taking a drink.'[4] It may, however, be inferred that he would take a larger 'drink' when he dined.

[1] Pitcairn, ii. 171. It is remarkable that a similar device for meeting the difficulty of giving a probable account of the sudden death of Amy Robsart seems to have occurred to Blount, Dudley's agent at Cumnor, who, when the attendant told him that she 'had heard her lady pray to God to deliver her from desperation,' suggested that she might have had in her mind some idea of self-destruction. But the attendant distinctly denied that there was any ground for such a supposition. See the beginning of this essay.

[2] Hailes, iii. 357, 358. Pitcairn, ii. 214.

[3] Nicolson to Cecil, August 6, 1600. Pitcairn, ii. 313.

[4] Of James's ruling passions two were strong Greek wine and hunting. These he so blended together that he was always attended in his hunting by

The framer of the 'Discourse' seems to have been aware of this objection, and to have attempted to meet it thus:—'During which time his Majesty enquired of Maister Alexander when it was time for him to go to that private house [room] about that matter whereof he had informed him; who answered that all was sure enough, but that there was no haste yet for an hour, till the king had dined at leisure.'[1] But since an importunate and impatient curiosity about all matters containing anything mysterious was a marked feature of this king's character, he was not likely to have been deterred from the *immediate examination* of any such man with a treasure, as he charged the *dead* Alexander Ruthven with having brought him to Perth for the special purpose of examining.

Mr. Tytler says that the king, when he was about to leave the room where he had dined, 'bade Alexander Ruthven call Sir Thomas Erskine, but he evaded the message and Erskine never received it.[2] In direct contradiction to this statement, Sir Thomas Erskine says in his deposition: 'And at the first meeting, this deponer said to his Majesty, 'I thought your Majesty would have concredited more to me than to have commanded me to await your Majesty at the door, if ye thought it not meet to have taken me with you.' Whereupon his Majesty

a special officer, who was as much as possible at hand to fill the king's cup when he called for it; so that he continued his devotion to the bottle in the glades of the forest of Falkland and in those of Enfield Chase. 'I have heard my father say,' observes Roger Coke, 'that being hunting with the king, after the king had drunk of the wine, he also drank of it; and though he was young and of a healthful constitution, it so disordered his head, that it spoiled his pleasure, and disordered him for three days after.'—Roger Coke, Detection, vol. i. p. 78: London, 1719.

[1] Hailes, iii. 358. Pitcairn, ii. 214.

[2] Tytler's History of Scotland, vol. vii. p. 431.

answered to the deponer, 'Alas! the traitor deceived me in that as he did in the rest, for I commanded him expressly to bring you to me, which he promised to me to do, and returned back as I thought to fetch you, but he did nothing but shut the door.' [1]

Now what is the obvious meaning of these words, upon which Mr. Tytler has put the above construction, a construction which evinces such a strange mode of dealing with evidence? The obvious meaning is that Sir Thomas Erskine accompanied the king and Alexander Ruthven to the door between the gallery and the gallery chamber; and therefore that Sir Thomas Erskine did receive the king's message which Mr. Tytler takes upon him to say he never received, and in consequence of that message accompanied the king and Alexander Ruthven from the great hall up the great staircase, through the great gallery, to the door of the gallery chamber; and that the king commanded him to wait at the door which opened from the great gallery into the gallery chamber. The king's answer to Sir Thomas Erskine's remark is indeed calculated by its evasive character to throw some darkness over the point; but there is enough in it nevertheless to amount to an admission that Sir Thomas Erskine had come as far as the door of the gallery chamber. And if a shadow of doubt remained, it is removed by other unexceptionable evidence. In a letter dated September 22, 1602, and quoted by Dr. Robertson,[2] Nicolson, Queen Elizabeth's ambassador, mentions the return of Gowrie's two younger brothers into Scotland, and adds, 'The coming in of these

[1] Pitcairn, ii. 182.

[2] History of Scotland, vol. ii. p. 212, note x.; London, 1825.

two, and the Queen of Scots dealing with them, and sending away and furnishing Mrs. Beatrix [their sister] with such information as Sir Thomas Erskine has given, hath bred great suspicion in the king of Scots that they come not in but upon some dangerous plot.'[1] In another letter, January 1, 160$\frac{2}{3}$, Nicolson says that 'the king was much disturbed because he had got notice that Mrs. Beatrix Ruthven was brought by the lady Paisley and Mrs. of Angus, as one of their gentlewomen, into the court in the evening, and stowed in a chamber prepared for her by the queen's direction, where the queen had much time and conference with her.' It is manifest from this that Sir Thomas Erskine did wait some time at the door of the gallery chamber, long enough to make his fortune, though the evidence shows that he was elsewhere when the tumult arose.

The king's 'Discourse' proceeds in these words: 'Thus the king, accompanied only by the said Maister Alexander, comes forth of the chamber,[2] passeth through the end of the hall, where the noblemen and his Majesty's servants were sitting at their dinner, up a turnpecke,[3] and through three or four chambers, the said Maister Alexander ever locking behind him every door as he passed. At the last, his Majesty passing through three or four sundry houses,[4] and all the doors locked behind him, his Majesty

[1] That the English ambassador meant by this term only some attempt to obtain justice as regarded the forfeiture of their property, and not any design against the government, is proved by Nicolson's indignant denial in his letter to Cecil before quoted of the rumour given out by, as he says, 'some false lying villains,' that the alleged plot, called the Gowrie Conspiracy, was devised in England.

[2] The dining-room where the king dined was adjoining to the great hall at that end of it from which there was a door into the principal staircase.

[3] A spiral stair, still called in Scotland a turnpike.

[4] Lord Hailes says: 'This is probably a typographical error; it ought to

entered into a little study, where he saw standing, with a very abased countenance, not a bound man, but a free man, with a dagger at his girdle.[1] But his Majesty had no sooner entered into that little study, and Maister Alexander with him, but Maister Alexander locked to[2] the study door behind him; and at that instant changing his countenance, putting his hat on his head, and drawing the dagger from that other man's girdle, held the point of it to the king's breast, avowing now that the king behoved to be in his will and used as he list; swearing many bloody oaths, that, if the king cried one word, or opened a window to look out, that dagger should presently go to his heart; affirming that he was sure that how the king's conscience was burthened for murthering his father.'[3]

Sir Walter Scott has turned this passage into history thus:—'After the king had dined, Alexander Ruthven pressed him to come with him to see the prisoner in private; and James, curious by nature, and sufficiently indigent to be inquisitive after money, followed him from one apartment to another, until Ruthven led him into a little turret, where there stood—not a prisoner with a pot of gold—but an armed man, prepared, as it seemed, for some violent enterprise. The king started back; but Ruthven snatched the dagger which the man wore, and pointing it to James's breast, reminded him of his father

have been rooms;' p. 360, note. But 'house' was formerly used in the same sense as 'room.'

[1] Hailes, iii. 360. Pitcairn, ii. 214.

[2] This is sometimes printed 'locked too,' but 'locked to' is the correct spelling, and is the Scotch for 'locked'—the idea probably being that of fastening the door *to* the doorpost.

[3] Hailes, iii. 361. Pitcairn, ii. 215.

the Earl of Gowrie's death, and commanded him upon pain of death, to submit to his pleasure.'[1]

This narrative, though short, is so contrived as to preserve much of the mystification pervading the whole of the king's narrative, which it follows implicitly, with a total disregard of any other evidence. But Mr. Patrick Fraser Tytler, being a very inferior artist to Sir Walter Scott, in attempting to improve on the mystification, has somewhat damaged it by aiming at greater detail, which Scott skilfully evaded by the vague expression 'followed him from one apartment to another.'

Mr. Patrick Galloway, the king's chaplain, repeats the king's statement from the pulpit; saying, in his sermon preached before James at Glasgow on the last day of August 1600, 'four doors all locked upon him.'[2] And Mr. Patrick Fraser Tytler has turned the king's statement, false as it is seen to be at once by anyone who looks at the plan of Gowrie House, into history. For Mr. Tytler does not give the statement as the king's, but as the historian's. These are his words: 'James now followed Ruthven up a stair, and through a suite of various chambers, all of them opening into each other, the Master [Alexander Ruthven] locking every door as they passed.'[3]

They passed from the room where the king dined (see the plan of Gowrie House[4] on the next page) through a

[1] Sir Walter Scott's History of Scotland, vol. i. p. 334.

[2] Pitcairn, ii. 254.

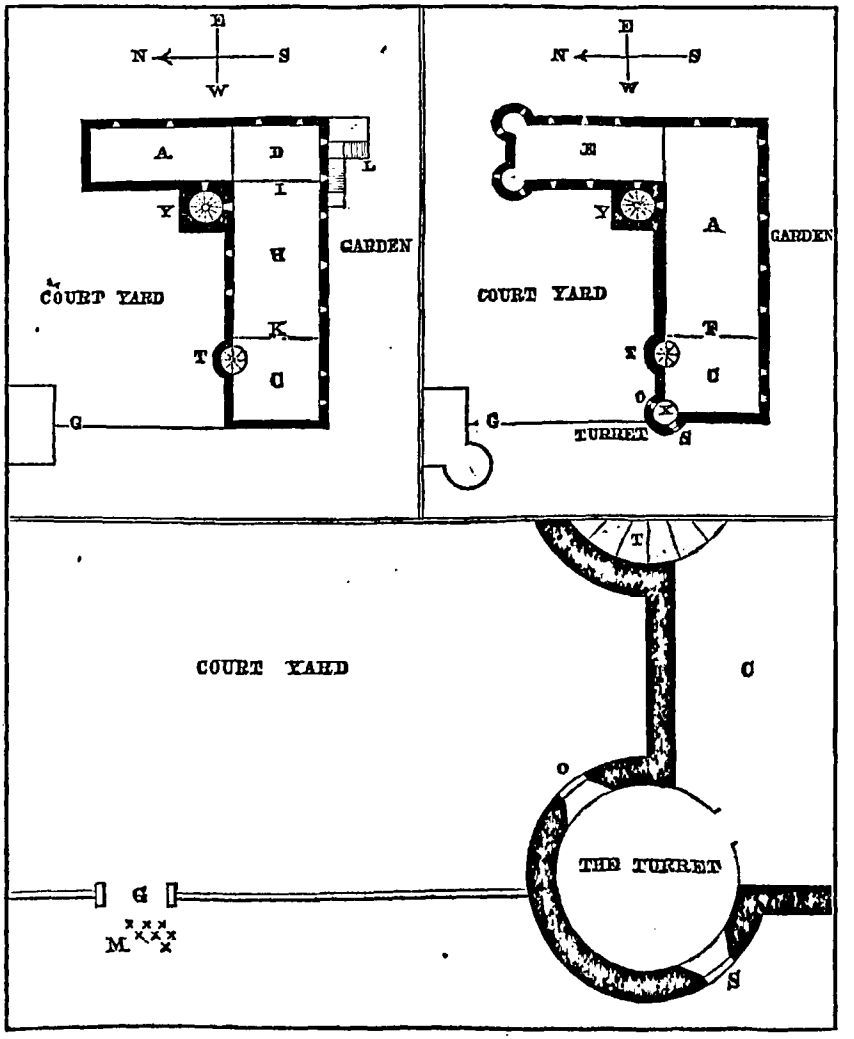
[3] Tytler's History of Scotland, vol. vii. p. 431.

[4] This plan is copied from the plan of Gowrie House in Pitcairn's Criminal Trials, vol. ii. p. 146. But an important error in that plan is corrected. In the plan, as given in Mr. Pitcairn's valuable work, the window in the turret from which the king cried is represented as the window looking into the court-yard, whereas it was the window looking into the street called Spey-

PLAN OF GOWRIE HOUSE.

I.—FIRST FLOOR, ABOVE THE KITCHEN OR GROUND FLOOR.

II.—SECOND FLOOR, ABOVE THE KITCHEN OR GROUND FLOOR.



III.—THE TURRET INTO WHICH THE KING WAS TAKEN.

I.

A. Family Apartments.
D. Dining Room, where the King dined.
I. Door.
Y. Principal Staircase.
T. The Black Turnpike.
H. The Great Hall communicating with the Dining Room and Garden.
K. Door.
C. Large Apartment.
G. Entrance Gate.
L. Outer Staircase.

II.

A. The Great Gallery.
E. Family Apartments.
Y. Principal Staircase.
T. Black Turnpike.
C. Gallery Chamber.
F. Door.
X. Turret.
S. Window.
O. Window.
G. Entrance Gate.

III.

T. The Black Turnpike.
S. Window from which the King cried.
M. Earl of Mar and King's Suite, the Earl of Gowrie &c.
C. Gallery Chamber.
G. Entrance Gate.
O. Window.

part of the end of the great hall into the principal staircase; ascending which they passed through the door leading from the principal staircase into the great gallery, which door it is proved they did not lock after them. Traversing the great gallery, they passed through the door at the other end of the great gallery into the room called the gallery chamber, and from the gallery chamber they passed by the door into the study in the turret. This turret must be distinguished from the small turret on the opposite side of the gallery chamber, which contained the back stair, in the depositions called the black turnpike, from its darkness, leading from the courtyard first to a large apartment communicating by a door with the great hall where the king's attendants dined; and secondly to the gallery chamber where the two brothers were killed. The door between the great gallery and the gallery chamber was locked; and that is the only door which was proved to have been locked. I think it was locked by the king or Erskine, and not by Alexander Ruthven, who was probably as far as possible from having the smallest inclination to be locked up anywhere in the company of his 'most sacred' Majesty. Some accounts state that the key was afterwards produced, before the bodies were searched, to admit Lennox and Mar. But I have not met with any conclusive evidence of this; and

gate in Mr. Pitcairn's plan, but called 'Hiegait' [High Street] in the depositions.—See Pitcairn, vol. ii. p. 186. Mr. Pitcairn has also, by a manifest *petitio principii* in his plan, undertaken to designate by the letters K. R. H. the relative positions of the king, Ruthven, and Henderson on the entrance of the two former into the turret; and by K_2 R_2 H_2 their relative situations at the time the king cried for help. But, besides the mistake of placing the second set of letters, viz. K_2 R_2 H_2, at the wrong window, we know nothing whatever about their relative situations, for this good reason, that the principal witness was killed, and the statements of the two others cannot be relied on.

the Duke of Lennox says in his deposition that the door was broken with a hammer to give entry to himself and the Earl of Mar. At the same time it is not asserted that any keys were found upon Alexander Ruthven after his death.

In the king's account of the 'little study' into which, he says, he was conducted by Alexander Ruthven, there is not one word about any picture of the Earl of Gowrie, Alexander Ruthven's father, on the wall, with or without a curtain before it. But Mr. Tytler, determined, it would seem, to redeem history from being, what Lord Macaulay says [1] Lord Hailes made it—an old almanack—though, if truth be the object, an old almanack is better than a lying romance, and to give his history a chance of being, what Lord Macaulay also says, history properly written should be, 'more in request at the circulating libraries than the last novel,' [2] has made a vain attempt to rival the fame of the author of 'Old Mortality' and 'Ivanhoe,' and has produced something which has neither the charm of romance nor the truth of history. 'At last,' he says, 'they entered the small round room already mentioned. On the wall hung a picture with a curtain before it; beside it stood a man in armour; and as the king started back in alarm, Ruthven locked the door, put on his hat, drew the dagger from the side of the armed man, and, tearing the curtain from the picture, showed the well-known features of the Earl of Gowrie, his father. 'Whose face is that?' said he, advancing the dagger with one hand to the king's breast, and pointing with the other to the picture. 'Who murdered my father? Is not thy conscience burdened

[1] Essay on Boswell's Life of Johnson.

[2] Essay on Sir James Mackintosh's History of the Revolution.

with his innocent blood?'[1] It is needless to quote more of this 'dramatic scene.' 'Mr. Tytler has not stated,' says Mr. John Bruce, in a paper addressed to the Society of Antiquaries in 1849,' whence the distinguishing features of his narrative were derived; but I believe I shall not err in attributing them to an extract from Johnston's MS. 'History of Scotland,' printed by Mr. Pitcairn. Johnston alone mentions the picture, and the other circumstances in which Mr. Tytler's narrative differs from that of the king. But it is evident that Johnston's assertions are not to be literally depended on.'[2]

This Johnston is, no doubt, the same dramaturgist who reports a conversation between two men, the Earl of Gowrie and his brother, who were alone, and who were both killed immediately after. Consequently neither Johnston nor any other person could know what they

[1] Tytler, History of Scotland, *ibid.*

[2] Mr. Bruce adds: 'With all respect for Mr. Tytler I am inclined to reject the picture story altogether, and to accept the narrative of the king with such qualifications,' &c. I agree with Mr. Bruce in rejecting the picture story altogether, and not only that, but the whole of Mr. Tytler's 'dramatic effect;' and I entirely dissent from Mr. Bruce in accepting the narrative of the king, for reasons which will be found fully set forth in these pages, in which I think that I have also proved the Logan letters to be forgeries. In the same paper Mr. Bruce has done good service to historical truth by giving another example of Mr. Tytler's manner of writing what is called 'history.' In reference to a speech attributed to the first Earl of Gowrie on the scaffold, Mr. Bruce says:—'The dramatic character given to it is a mere complication, an imaginary dressing-up of some hearsay report of the statement made by Gowrie on his trial. It is to be feared that many of our most piquant historical narratives are of the same character.' Mr. Motley has shown, however, that it is not impossible to give a dramatic character to a historical narrative without infringing the bounds of historical evidence, and he says: 'That I may not be thought capable of abusing the reader's confidence by inventing conversations, speeches, or letters, I would take this opportunity of stating that no personage in these pages is made to write or speak any words save those which, on the best historical evidence, he is known to have written or spoken.'—*History of the United Netherlands*, preface, p. v. 1st edition: London, John Murray, 1860.

said. Mr. Tytler would appear to have adopted a mode of proceeding in regard to Johnston similar to Hume's in regard to Perinchief. Hume, in attempting to give a sensational character to his narrative of the effect of the execution of Charles I., has used almost the very words of Perinchief. But he does not qnote Perinchief, who is even a worse authority than Johnston. For Johnston must have been a man of some education, inasmuch as his Latin is not much inferior to Buchanan's, and he has stated fairly enough the reasons for which the Scottish nobility preferred the Presbyterian form of church government.[1]

Mr. Patrick Galloway, in his sermon delivered at the Cross of Edinburgh, in presence of King James, on Monday, August 11, 1600, says, 'With a drawn dagger in his hand.'[2] Here he contradicts the king, who, as has been just seen, says, 'With a dagger at his girdle.' But Mr. Galloway also, as Lord Hailes has observed, presently contradicts himself in the very same sermon, for he appeals to a letter which he says he had received that day from Andrew Henderson—a letter which contains an outline of what Henderson afterwards asserted in his depositions, and has these words; 'While I was *sitting on my knees*, Mr. Alexander came into the round [turret] with the king.'[3] It is a little surprising that so sharp a practitioner as Mr. Thomas Hamilton, the Lord Advocate, should have allowed his Majesty's 'Discourse' to go forth with such contradictions patent on the very face of it; for it is to be supposed that the royal 'prentice of the

[1] See Johnston, Hist. Rer. Brit. Lib. i. p. 16, 1655.

[2] Calderwood MS. vol. v. p. 395, cited by Lord Hailes, Annals, iii. 360, note. The sermon will be found printed at length in Pitcairn, ii. 248-251.

[3] Pitcairn, ii. 251. Hailes, iii. 360, note.

muses' would submit his 'Discourse' to be 'settled' by his zealous Lord Advocate.

Calderwood mentions that after the sermon above referred to was ended, they sang the hundred and twenty-fourth Psalm; and makes the following remark: 'Mr. Patrick Galloway's harangue did not persuade many, partly because he was a flattering preacher, and partly because others were named before Henderson to be the armed man in the study; to wit, Oliphant, Leslie, and Younger, who was slain.' The two first having proved their innocence of the charge, Younger, also one of the earl's servants, was next accused, and his fate shows in a remarkable manner under what sort of a government Scotland then was. Younger, when on his way to establish his innocence, was met and put to death by a party of the king's horse. When it was proved that Younger was at Dundee during the whole of August 5, the phantom of the study, the *black grim* man, of whom James had given a very particular description in his first proclamation, had to be personated by Andrew Henderson, the Earl of Gowrie's chamberlain, steward, or factor for his estate of Scone, who is described as 'a man of low stature, ruddy countenance, and brown-bearded.' James, moreover, at first declared point blank that Henderson was not the man. Being asked 'by the good man of Pitmillie, "Whether Henderson was the man," James answered that "it was not he; he [the king] knew that smaick well enough."'[1]

[1] Pitcairn, ii. 251, note. It has been said that the king's first proclamation described the man as a black grim man. But King James, who took such pains to seize and destroy everything in the shape of a vindication of the Ruthvens, would be little likely to leave a copy of such a proclamation in existence.

Among the depositions of the various witnesses published by Mr. Pitcairn, there is a deposition of one William Robertson, a notary in Perth, which has a very important bearing on this point, inasmuch as it goes far to discredit the king's three principal witnesses, namely, Henderson, Erskine, and Ramsay. The following is the deposition of this William Robertson :—

'William Robertson, notary, deposed, he being there but [without] any weapons, saw nor heard nothing but a tumult. And being demanded anent [concerning] Andrew Henderson, deposed, that after the king's majesty had cried 'Treason!' and the tumult thereupon arising, the said deponer was standing at the front gate with young Tullybardin and his servants, who issuing in at the gate to relieve the king, the deponer, a short space thereafter followed in to the close; the said laird's servants standing together there. Saw the Master of Gowrie, lying dead, at the foot of the turnpike; where, a short time thereafter, he saw the said Andrew Henderson come out of the said turnpike; over the master's belly; and he inquiring at him, 'Chamberlain, Jesus! what means this matter?' Who made him no answer. And as the deponer remembers, John Murray[1] of Arbeny, and others whom the said John can tell, was present there. *Ignorat cetera.*'[2]

After this deposition there is the following minute :—

'The Examinatouris ordanis the clerk to writt, with all diligence, for the said John Murray.' What was the result does not appear, for there is no deposition of this John Murray before these 'Examinatouris.' But there

[1] Elsewhere called 'John Murray of Arbany,' Pitcairn, ii. 189, at the bottom of which page there is this note: 'Commonly called Meikle Johne.'

[2] Pitcairn, ii. 197.

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is a deposition by him before the parliament, which contains, however, as might be expected, no allusion to this important point. It is, indeed, rather suprising that his Majesty's Advocate should have permitted this deposition of William Robertson to remain on record—surprising, I mean, to those who know how far that functionary did not scruple to go in his dealing with evidence. For this deposition of William Robertson, strengthened by his open appeal to the corroborative testimony of John Murray and others, goes far to discredit as a witness Andrew Henderson, on whom the king's statement relies chiefly for its credibility, and who says in his deposition at Falkland that as soon as John Ramsay entered and attacked the Master, 'gave the Maister a stroke, he passed forth at the door, and down the turnpike *to his own house*.' Now, if the testimony of William Robertson, backed by that of John Murray (whom Robertson calls as a witness to the same fact, and the non-appearance of whose deposition on that point is not to be taken as infirmative, but as confirmative, of Robertson's statement), is to be believed, it may appear not only to discredit Henderson, but Erskine and Ramsay as witnesses. And whether or not there was a man in the study besides the king and Alexander Ruthven, and whether or not that man was Andrew Henderson, the king adopted Andrew Henderson as the man and as his principal corroborative witness; therefore if it is shown that Andrew Henderson cannot be believed upon his oath, it is shown at the same time that the king's narrative cannot be believed.

The only evidence (apart from Henderson's own assertion) corroborating the king's statement respecting the presence of a man in the study besides the king and

Alexander Ruthven is that of Sir John Ramsay, who at the *end* of his desposition says:[1] 'And further says that when this deponer [deponent] entered first within the chamber, he saw ane man standing behind his Majesty's back, whom he noways knew; nor remembers not what apparelling he had on; but after that this deponer had strucken Maister Alexander, he saw that man no more.'[2] Again, Sir Thomas Erskine, in his deposition says: 'And as this deponer had passed up five steps of the turnpike [spiral stair], he sees and meets with Mr. Alexander Ruthven, bloodied [bludit] in two parts of his body, viz. in his face and in his neck: And incontinent this deponer cries to Sir Hew Heres [Herries] and others that were him, 'Fy! this is the traitor, strike him!' And incontinent he was stricken by them and fell: and as he was falling, he turned his face and cried 'Alas! I had no wyte [blame] of it!' this deponer being standing above him in the turnpike. Thereafter, this deponer passed to the *head* of the turnpike, and entered within the chamber at the end of the gallery, where the king and Sir John Ramsay were *alone*[3] 'present.'[4]

Now it will be observed, that if, as Ramsay asserted, a man was standing behind the king when he entered, but disappeared immediately after, and that man was Henderson, a considerable difficulty arises to reconcile that account with the deposition of William Robertson, given two pages back. Ramsay affirms that the man declared ultimately by the king to be Henderson disappeared *before* Erskine came up, and Erskine affirms he saw no such

[1] In this and other cases I have modernised the spelling, but made no alteration whatever in any other respect.

[2] Pitcairn's Criminal Trials, vol. ii. p. 184.

[3] 'Thair allane present.'

[4] Pitcairn, vol. ii. pp. 181, 182.

man. Moreover it appears, from the words of Erskine's deposition, that the *head* of the turnpike was at the gallery chamber; and that therefore the man could not have remained unseen in a part of it above the door of the gallery chamber. The deposition, therefore, of this William Robertson—a witness at least as credible as either Ramsay, Erskine, or Henderson—contradicts their evidence point blank. There are many points of any matter in in which any man's memory may fail or deceive him; but such a point as this fact of a man's going down a certain stair, and stepping over the dead and still bleeding body of his friend at the bottom, is not likely to be effaced.

It may, however, be contended that this evidence, though it may at first sight appear to be so, is not really conclusive on this point. For this staircase, called in the king's narrative a 'quiet and condemned turnpike, only then left open for that purpose,' namely, for the Earl of Gowrie and his servants assassinating the king, was in truth—as Lord Hailes[1] has remarked, and as plainly appears from the plan of Gowrie House given in Pitcairn's 'Criminal Trials'[2]—the back stair leading to the principal apartments; first, to a large apartment on the ground floor, communicating by a door with the great hall; and then to the chamber on the second floor at the end of the great gallery, called the gallery chamber, where the two brothers were killed. Lord Hailes, writing about the middle of the last century, says: 'This stair seems to have been well known to many of the witnesses at the trial;

[1] Annals, vol. iii. p. 369, note.

[2] Vol. ii. p. 146. A corrected copy of this plan accompanies these pages. See page 220, 'The Black Turnpike.'

and indeed it could not but be well known; for the entry to it was from the court-yard, and the stair itself was built in the manner of a tower; it has since been taken away, but sufficient vestiges of its situation still remain, and the door from it into the gallery chamber may be yet seen. It may very well have happened that this stair was not commonly used; but then the reason must have been, that the principal apartment itself had not been much used from the time of Gowrie's arrival in Scotland.'[1]

Now it is to be observed that Andrew Henderson *might* have left the gallery chamber immediately after John Ramsay entered it, and, instead of issuing from the door at the bottom of it into the court-yard, *might* have passed through the door by which it communicated with the great apartment adjoining the great hall, and after remaining there a short time, *might* have come out of the black turnpike, stepping over the Master's body lying at the foot of it, according to the deposition above quoted of William Robertson. Or he might have been all the time in the apartment adjoining the great hall, and never have come from, because he had never been in, the gallery chamber at all. ..

But the first supposition is negatived by Henderson's own statement in his deposition at Falkland, in which he says 'he stood in the chamber untill he did see John

[1] Hailes's Annals of Scotland, vol. iii. p. 369, note. Lord Hailes adds:—'See the evidence of Henderson at the trial; see also what is said by Robert Christie, Alexander Blair, and John Murray.' Robert Christie describes the great or principal staircase as 'the great turnpike,' John Murray as 'the broad turnpike,' and Christie describes the other or small staircase as 'the auld [old] turnpike,' Alexander Blair as 'the little turnpike,' and Robert Brown as 'the little black turnpike.'—*Pitcairn*, ii. 187, 188, 189, 190.

Ramsay give the Master a stroke, and thereafter privily conveyed himself down the turnpike *to his own house.*'[1] These last three words Henderson has omitted in his second deposition, when he says: 'And as he saw him [Ramsay] myentane with the whinger [attack Ruthven with his dagger], this deponer passed forth at the said door and passed down the turnpike.' But he then adds: 'And as the deponer passed through the close and came to the front gate, the deponer saw the Earl of Gowrie standing before the gate, accompanied with divers persons of whom he remembers none; but remembers well that the earl had this deponer's steel bonnet on his head and two swords drawn in his hand. And immediately thereafter the deponer passed to his own lodging, where he remained till the king passed forth of the town.'[2]

There is a second deposition of this William Robertson, notary, made at the trial, in which he says that, 'Being within the close, he saw the Lord Gowrie standing in the close, accompanied with seven or eight persons, of whom he knew none; the said earl having a steel bonnet on his head, and a drawn sword in each hand.'[3] Now this statement fixes the point of time at which Robertson saw the Master of Gowrie lying dead at the foot of the turnpike, and Henderson step over his body, as being previous to the point of time at which the earl ascended the turnpike, and therefore, so far, agrees with Henderson's statement that, as he passed out, he saw the Earl of Gowrie at the gate. But the other difficulty remains, for, besides Henderson's distinct statement in his first deposition, that he passed down the turnpike to his own house,

[1] Hailes, iii. 392. [2] Pitcairn, ii. 179.
[3] *Ibid.* ii. 190.

the obvious meaning of the expression in the second deposition, taken with the addition 'that as he passed through the close,' &c., is, that he passed down the turnpike, *and at once* passed into the court-yard.

This may seem a small matter; but in a case like this it is only from small evidentiary facts that indications of the truth respecting the principal fact, that is—the fact to be proved—can be obtained. And, though the evidence above adduced amounts to no more than this, that the king's principal witnesses on an essential point are contradicted by another witness who appeals to other witnesses that might easily have been produced, this contradiction amounts to a not unimportant evidentiary fact against the credibility of the king's witnesses. If Henderson passed out of the gallery chamber, and out of the black turnpike at the time deposed to by William Robertson, he must have been seen by Sir Thomas Erskine, who says he saw only the king and Sir John Ramsay; and he must have left the gallery chamber, if he was in it and left it at all, at a different point of time from that deposed to by himself and Ramsay.

If any further proof were needed of the falsehood of James's statement respecting Henderson, it is afforded by the fact already mentioned, that the Summons of Treason issued in August includes the name of 'Andrew Henderson, chamberlain of Scone.' If the king's story had been true, and Henderson had really helped to save the king's life, his name would not have appeared in August in the list of traitors, from which list it disappeared in October.

The account given of Henderson's subsequent appearance by Spottiswood, which account is confirmed by

Lord Scone,[1] that 'he looked ever after that time as one half-distracted,'[2] seems to point to some strong feeling of remorse for the part he had been forced to act in the ruin of the house of his lord, who appears to have been generally beloved and esteemed by his dependants. It may be added that one main reason for the invention of this piece of machinery in the drama was to arm Alexander Ruthven with a dagger by making him snatch the man's dagger to threaten the king with; it being well ascertained that he had no dagger on his own person, and that his sword was rusted in the sheath, and had never been drawn. It would have been absurd, even in that age, to have attempted to charge a man thus virtually unarmed

[1] Sir David Murray of Gospertie was one of those courtiers of James who shared among them the plunder of the Earl of Gowrie, and was created Lord Scone. And this was but one of the half-dozen peerages granted by King James in gratitude, according to Scott's and Tytler's version of the story, for his preservation from the Gowrie Conspiracy. This Lord Scone, in a letter to King James, printed by Mr. Pitcairn from the original in the Advocates' Library, says of Henderson: 'He was never wise, and he has lost a good part of the wit which he had; for it appears he is not his own man.' *Pitcairn*, ii. 322, 323. Henderson had also prospered in consequence of the hard swearing he had performed in his Majesty's service, and figured, at the date of the letter cited (1608), with a territorial addition to his name, as 'Andro Henderson of Latoun, chamberlain of Scone,' like the well-known 'Gilbert Glossin, Esquire, late writer in Kippletringan, now Laird of Ellangowan.' The letters printed by Mr. Pitcairn from Henderson and Lord Scone to King James indicate that his 'most sacred' Majesty was by many persons called 'the Murtherer,' and Henderson 'ane mansworn knave.' Lord Scone's enemies at court, it appears, also gave out that Lord Scone 'had sent Andrew Henderson to beg something from his Majesty that he [Lord Scone] could not make suit [of] for himself; and whatever his Majesty had granted to Henderson, Henderson had transacted with Lord Scone for the same, and Lord Scone would get the same to himself.'—David Lord Scone to King James VI.; *Pitcairn*, ii. 322. Did they go so far as to insinuate that his lordship got Scone in this way? If Henderson had managed to get Scone for himself, the parallel between him and Glossin would have been complete.

[2] Spottiswood, b. vi. p. 461, cited by Lord Hailes, Annals, vol. iii. p. 365, note.

with so daring a project as that of either killing a king or making him a prisoner. The armed phantom was therefore a necessary piece of machinery in this most tragical drama.

The king's narrative assigns the death of the Earl of Gowrie, condemned in 1585, as the reason for Alexander Ruthven's alleged attack upon the king in the study, and represents Alexander Ruthven as 'affirming that he was sure that now the king's conscience was burthened for murthering his father.'[1]

The lameness of this reason is at once apparent. William, Earl of Gowrie, the father of Alexander Ruthven, was condemned and forfeited by the faction of the Earl of Arran in 1585, and his children were restored by the power of another faction in the following year. In both cases the king was only an instrument in the hands of his nobles. He therefore neither deserved ill[2] on that account at the hands of the Ruthvens as he represents Alexander Ruthven as saying, nor well[3] as he represents himself as saying. There is not the least ground for believing that if the Ruthvens had formed a plot to overturn the government, this would have been the moving cause. And the assigning of such a cause does not add to the credibility of a story otherwise sufficiently incredible.

The king's narrative then asserts that Alexander Ruthven went out to bring in the earl his brother, leaving the king in charge of the man who had stood all the while 'trembling.'[4] The king's chaplains and bishops attempted to invest this incredible story with the garb of

[1] Pitcairn, ii. 215. Hailes, iii. 361. [2] *Ibid.*
[3] Hailes, iii. 362. Pitcairn, ii. 215. [4] Hailes, iii. 365. Pitcairn, ii. 216.

a miracle. 'The Lord stayed the dagger, that he durst not strike with it,'[1] says Mr. Patrick Galloway, in his sermon preached at Glasgow before his Majesty the last day of August 1600. And Bishop Williams, in his funeral sermon on the death of King James, makes the following strange remarks: 'Not a particular of his life but was a mystery of the divine Providence, to keep and preserve those admirable parts for the settling and uniting of some great empire. Why did Gowrie's man, prepared to kill him, tremble in his presence, *and begin to adore him?*' I will add Lord Hailes's observation on this passage. 'Thus does the bishop relate the conduct of Henderson; and, which is remarkable, he produces the account published by authority in proof of this imaginary *adoration*. These words were uttered from the chair of truth!'[2]

The king's narrative thus continues:—'All the time of the said Maister Alexander's menacing his Majesty, he was ever trembling, requesting him for God's sake, and with many other attestations, not to meddle with his Majesty, nor to do him any harm. But because Maister Alexander had, before his going forth, made the king swear he should not cry, nor open any window, his Majesty

[1] Pitcairn, ii. 253.

[2] Hailes, iii. 365, note. The sermon from which the above quotation is made, preached at King James's funeral by Williams, Bishop of Lincoln and Lord Keeper, is a curiosity in hoc genere orationis. 'Solomon,' says the bishop, 'was learned above all princes of the East. So was King James above all the princes in the universal world. Solomon was a writer in prose and verse. So, in a very pure and exquisite manner, was our sweet sovereign King James. Solomon was the greatest patron we ever read of to church and churchmen; and yet no greater (let the house of Aaron now confess) than King James. Solomon beautified very much his capital city with buildings and water-works. So did King James.' The bishop calls the 'minion' Buckingham 'that disciple of his whom he so loved in particular.' —*Rushworth*, vol. i. pp. 160, 161.

commanded the said fellow to open the window, on his right hand, which he readily did.'[1] So that, according to this story, 'the fellow,' that is, Henderson, according to the ultimate arrangement, saved the king's life. Why, then, was Henderson, as has been shown, included in the Summons of Treason that was issued against those servants and friends of the Earl of Gowrie who had drawn their swords and used them, though very ineffectually, in Gowrie's defence? This is a question that would naturally have been put in the cross-examination to which the king's testimony must have been subjected to render it of the slightest value as evidence.

Dr. Robertson has pointed out several contradictions at this part of the story between the king's statement and Henderson's. 1. According to the king, while Ruthven held the dagger at his breast, 'the fellow in the study stood quaking and trembling;' while Henderson says that he himself wrested the dagger out of Ruthven's hand. 2. The king asserts that Henderson opened the window during Ruthven's absence. Henderson deposes that he was only attempting to open it when Ruthven returned. 3. According to the king, the fellow in the study stood during the struggle inactive and trembling behind the king's back. Henderson affirms that he snatched away the garter with which Ruthven attempted to bind the king; that he pulled back Ruthven's hand while he was attempting to stop the king's mouth, and that he opened the window. 4. By the king's account Ruthven left him in the study and went away in order to meet with his brother, and the earl came up the stairs for the same purpose. Henderson deposes that when Ruthven

[1] Hailes, iii. 365, 366. Pitcairn, ii. 216.

left the king, 'he believes he did not pass from the door.'[1]

'While his Majesty was in this dangerous estate, and none of his own servants nor train knowing where he was, and as his Majesty's train was arising in the hall from their dinner, the Earl of Gowrie being present with them, one of the Earl of Gowrie's servants comes hastily in, assuring the earl his master that his Majesty was horsed, and away through the Inch; which the earl reporting to the noblemen and the rest of his Majesty's train that was there present, they all rushed out together at the gate in great haste; and some of his Majesty's servants enquiring of the porter when his Majesty went forth? the porter affirmed that the king was not yet gone forth. Whereupon the earl looked very angerly upon him, and said he was but a liar: yet turning him to the duke, and to the Earl of Mar, said he should presently get them sure word where his Majesty was; and with that ran through the close, and up the stairs. But his purpose indeed was to speak with his brother, as appeared very well by the circumstance of time, his brother having at that same instant left the king in the little study, and ran down the stairs in great haste. Immediately after the earl cometh back.'[2]

On this Lord Hailes remarks, 'This supposition [namely that the earl's purpose was to speak with his brother] seems to be contradicted by the account itself, which subjoins these words, "*Immediately after, the earl cometh back*;" it is also inconsistent with the evidence at the trial; for 1. Henderson says expressly that "*Mr. Alexander*

[1] Robertson's History of Scotland, vol. ii. p. 270, note, 4th edition, 8vo. London, 1761.

[2] Hailes, iii. 366, 367. Pitcairn, ii. 216.

passed not from the door, as he believes." 2. The Duke of Lennox says that "*the Earl of Gowrie passed up, and incontinent came down again to the close.*" He therefore had neither time nor opportunity for conferring with his brother. Besides, he could not possibly have known the precise moment at which his brother was to leave the closet. Indeed this part of the narrative little agrees with its general tenor, which purposes to show that Alexander Ruthven and Henderson were instantly to have murdered the king.'[1]

On the words 'ran down the stairs in great haste' Lord Hailes has the following note:— This is strange: had he run down the little stair [see the plan of Gowrie House], he could not have met his brother, but he must have met the king's attendants in the close; if he ran down the principal stair, this circumstance could not be known to the king or Henderson, because the principal stair was at a distance from them. I think Alexander did not run down any stair at all.'[2]

The only account deserving of credit respecting the story of the rumour that the king had ridden off (for there is reason to distrust the deposition of Christie the earl's porter, though proof of his treachery to his master cannot be obtained), is the deposition of Thomas Cranstoun, made 'upon his death-bed.'[3] This deposition —which, as well as that of George Craigengelt, has been printed by Mr. Pitcairn from the original, preserved among the Warrants of Parliament, in the General Register House at Edinburgh, and had probably not been seen by Lord Hailes—proves that the rumour or bruit in

[1] Hailes, iii. 366, note. [2] *Ibid.* iii. 367, note.
[3] Pitcairn's Criminal Trials, vol. ii. p. 156.

question, of which such use has been made by modern writers against the Earl of Gowrie, was either a mistake on the part of some of the servants, or an act of treachery on the part of some one for the purpose of injuring the Earl of Gowrie. The royal narrative, it will be observed, represents Gowrie as calling the porter 'a liar.' This of course the king could not have heard himself, and inserts it upon the authority of Christie, the porter himself, who in his deposition says, 'The Earl of Gowrie, looking with an angry countenance, said, "Thou leid! He is forth at the back yett [gate], and through the Inch;"'[1] and of Andrew Ray, one of the bailies of Perth, who says in his deposition, 'The Earl of Gowrie said to the porter, "Ye lie, knave! He is forth."'[2] Now the Duke of Lennox, who was present, and who, being the Earl of Gowrie's brother-in-law, may be supposed to have been less inclined to blacken his memory than the bailie and the porter, uses in his deposition these words:— 'And this deponer enquired at the porter, 'if the king was forth?' who answered, that 'he was assured that his Majesty was not come forth of the place.' Then the Earl of Gowrie said, 'I am sure he is forth; always [at all events] stay, my lord duke, and I shall go up and get your lordship the verity and certainty thereof.'[3]

[1] Pitcairn, ii. 187.

[2] Pitcairn, ii. 186. The Earl of Gowrie may have used this expression, which was not so uncommon in persons of rank in the 17th century as it is now. Charles I. not only used the phrase 'tis a lie' in speaking, as he did when a part of a paper from the houses of parliament was read to him; but he used it in writing, as when Secretary Nicholas wrote to the king that he had been assured that letters sent to the king miscarried afterwards and were seen, the king made this postille, 'It is a ley.'—*Append. to Evelyn's Mem.* p. 51. And see Brodie's History of the British Empire, vol. iii. p. 323, and note.

[3] Pitcairn, ii. 173.

If it could be *proved* that the Earl of Gowrie made a deliberate and systematic attempt 'to rid himself of the king's attendants,' as some modern writers have expressed it, 'by falsely informing them that the king was gone by a back way,' that circumstance would undoubtedly give support to the allegation of a plot having been formed against the king by the Earl of Gowrie. The king and his advisers were so well aware of this, that less than a week after, namely, on August 11, Mr. Patrick Galloway, in his sermon at the cross of Edinburgh in presence of the king, said, 'They had appointed this for their watchword, "The king is gone to the Inch!"' Mr. Galloway makes the failure of this device for getting rid of the king's attendants the fourth of what he in this sermon calls the five miracles which were wrought on that occasion for King James's preservation.

All that has been proved is, that Thomas Cranstoun heard a rumour or bruit, by whomsoever raised,[2] which he thought it his duty to communicate immediately to his lord; and that Gowrie, as was natural, gave credit to him, an old and tried friend[3] and servant, rather than to his porter, who had been in his service only five weeks,

[1] Pitcairn, ii. 250.

[2] The 'giving out' of this bruit is made one of the principal charges in the indictment (dittay in Scots law) against Thomas Cranstoun. Pitcairn, ii. 150. Cranstoun solemnly declared, as a dying man, that he did not 'give out,' but 'heard,' this bruit or rumour.'

[3] Thomas Cranstoun, though according to the custom of that age throughout Europe, only a 'servitour' to the Earl of Gowrie, was a brother of Sir John Cranstoun of Cranstoun. Pepys relates how, in Queen Elizabeth's time, one young nobleman would wait with a trencher at the back of another till he came of age: witnessed in my young lord of Kent, who waited upon my lord of Bedford at table, when a letter came to Lord Bedford that the earldom of Kent was fallen to his servant the young lord; so he rose from table and made him sit down in his place, and took a lower himself, for so he was by place to sit.'—*Pepys's Diary*, vol. i. p. 109, 4to. edition, 1825.

and whom he might have some reasons unknown to us for distrusting. Nevertheless Sir Walter Scott relates this incident in a manner calculated to prejudge the whole question, and to convey the impression that Gowrie had formed a deliberate plan to get rid of the king's attendants. 'The attendants of James,' says Sir Walter Scott, 'had begun to wonder at his absence, when they were suddenly informed by a servant of the Earl of Gowrie that the king had mounted his horse, and had set out on his return to Falkland. The noblemen and attendants rushed into the court-yard of the mansion, and called for their horses, the Earl of Gowrie at the same time hurrying them away. Here the porter interfered, and said the king could not have left the house, since he had not passed the gate, of which he had the keys. Gowrie, on the other hand, called the man a liar, and insisted that the king had departed.'[1] The story has been repeated by other writers in terms still more positive.

But, in truth, the very circumstance which at first sight seems to tell against the Earl of Gowrie—the assertion namely, that he used the expression to his porter, 'You lie, knave!'—proves that if the Earl of Gowrie had formed such a plot, and went about to execute it without the thorough co-operation of his porter, he must have either lost his wits or have been 'brained' like Caliban or Trinculo. This consideration alone shows in what measure writers of history have applied the plainest and most obvious rules of common sense to the study of this question.

The king's narrative thus proceeds:—

[1] History of Scotland, contained in Tales of a Grandfather. By Sir Walter Scott, Bart. vol. i. p. 334: Edinburgh, 1846.

'Maister Alexander very speedily returned, and, at his incoming to his Majesty, casting his hands abroad in a desperate manner, said he could not mend it, his Majesty behoved to die: and with that offered a garter to bind his Majesty's hands, with swearing he behoved to be bound. His Majesty, at that word of binding, said he was born a free king and should die a free king. Whereupon he, griping his Majesty by the wrist of the hand, to have bound him, his Majesty relieved himself suddenly of his grips: whereupon, as he put his right hand to his sword, his Majesty with his right hand seized upon both his hand and his sword, and with his left hand clasped him by the throat, like as he with his left hand clasped the king by the throat, with two or three of his fingers in his Majesty's mouth, to have stayed him from crying.'[1]

Now it is easy to verify the truth of this statement. Let anyone try whether it is possible *at the same time, with the same hand,* to clasp another person by the throat, and put *three*, or even *two*, of the fingers of that hand in that other person's mouth. Sir John Ramsay, who is the only witness on this point (for Henderson's testimony I have shown to be unworthy of credit), says in his deposition: 'And having dung up [forced open] the door,[2] he sees his Majesty and Maister Alexander Ruthven striving and struggling together, his Majesty having Maister Alexander's head under his arm, and Maister Alexander, being almost on his knees, had his hand upon his Majesty's face

[1] Hailes, iii. 368. Pitcairn, ii. 216.

[2] Henderson says that he opened the door for Ramsay. Hailes, iii. 392. Pitcairn, ii. 178. But this is only another proof added to many that Henderson was lying.

and mouth.'[1] This shows that even here his Majesty was not telling the truth. It has been remarked by philosophers that the greatest of liars speak truth a hundred[2] times for once that they utter falsehood; and that this arises from that law of human nature which has established the connection between events and words. When man grows up in average conformity with the laws of nature, this connection grows up with him into one of the strongest associations of the human mind. But when a man's mind has grown up in a very artificial and corrupted atmosphere, this association between events and words will be much weakened though not entirely destroyed. Thus, in a story told by a witness whose testimony is subjected to very disturbing forces, 'you will scarce ever find the whole of it false: some parts of it at any rate will be kept within the pale of truth, were it only to give credit, or escape the danger of giving discredit, to the rest.'[3]

Accordingly, when an artificial statement has to be drawn up for the purpose of keeping out of sight the real facts of any somewhat strange transaction, the manufacturer of the statement will be apt to mix up some of the real facts, which he thinks will not injure or obstruct the object he has in view, with the fictitious statements, or, as Bentham calls them, false facts, by which he intends to accomplish his object. It is therefore probable that the king's statement was true thus far; namely, that a

[1] Pitcairn, ii. 183.

[2] James Mill (Analysis of the Human Mind, vol. i. p. 298) says 'a thousand times;' but I think Bentham (though not a metaphysician to be compared to Mill in analytical power) is nearer the truth when he says 'a hundred times.' (Rationale of Judicial Evidence, vol. ii. p. 65.) 'Ten times' would be nearer the truth than either 'a thousand' or 'a hundred.'

[3] Bentham's Rationale of Judicial Evidence, vol. ii. pp. 65, 66.

struggle took place between him and Alexander Ruthven, and that Ruthven, on being attacked by James, and the dangerous consequences of his resistance, though purely in self-defence, to a king, one of those sacred persons whom the opinion of that particular age 'hedged with a divinity,' rushing upon his mind, may have endeavoured to prevent the king from calling his attendants while in a state of angry excitement. The position in which he was found by Ramsay, on his knees before James with his hand extended to James's mouth, as if to stop him from crying out, leads to this inference. But even here King James could not tell the simple truth. He represents Ruthven as seizing him by the throat, which is not only inconsistent with his own statement, as has been shown, but is directly contradicted by Ramsay's deposition. It is manifest that if the struggle on the part of Ruthven had not been a purely defensive one, he, a young man of at least ordinary strength and courage, could have found no difficulty in dealing with a person of such a feeble body and such consummate cowardice as King James. And yet an idolater of Scottish kingship, in the person of this degenerate descendant of Robert Bruce, has gone so far as to say, in reference to this affair, that James's 'timidity of temper was not uniform;' and that 'there were moments of his life, and those critical, in which he showed the spirit of his ancestors.' The same writer, in the same romance ('The Fortunes of Nigel'), has transformed the page Ramsay—created at first Sir John Ramsay, and afterwards Viscount Haddington and Earl of Holderness, who stabbed Alexander Ruthven and his brother the Earl of Gowrie—into that 'good old peer,' the Earl of Huntinglen, whom he represents as having 'struck his dagger into the traitor

Ruthven,' for the reason that it was high time to do so 'when kings were crying treason and murder with the screech of a half-throttled hen.' Such is the historical justice of historical romance.[1]

The king—whether his cowardice or his cruelty was at the moment uppermost is immaterial—cried, according to his own version, out at the window 'that they were murthering him there.'[2] Sir Thomas Erskine says in his deposition that he 'heard his Majesty cry forth of the window of the round [turret], "Fy! Help! I am betresit! They are murdressing me!"'[3] The Abbot of Incheaffray deposes that 'as they were standing upon the High street, they heard a cry and a voice; and the Duke [of Lennox] first declared "I am assured yon is his Majesty's voice, be where he will himself." And immediately thereafter this deponer saw his Majesty looking forth at a window of the round, wanting his hat, and his face red, crying "Fy! Help, my lord of Mar! Treason! treason! I am murdered."'[4]

As it is quite proved, and even admitted by the king himself in his conference with Mr. Robert Bruce, that there was not a shadow of necessity for killing Alexander Ruthven, and that he might have been easily secured and brought to trial on whatever charge the king might think fit to produce against him, the king's narrative would

[1] Sir Walter Scott has taken so little trouble to make himself acquainted with the proved facts of this case, that in one of the notes to The Fortunes of Nigel he says: 'The credit of having rescued James I. from the *dagger* of Alexander Ruthven is here fictitiously ascribed to an imaginary Lord Huntinglen. In reality the preserver was John Ramsay.' Now it had been distinctly proved, long before Scott wrote this, that Alexander Ruthven had no weapon but a sword, which was never drawn.

[2] Hailes, iii. 368. Pitcairn, ii. 216.

[3] Pitcairn, ii. 181.

[4] Pitcairn, ii. 180.

fain make it appear that he was killed by Ramsay in the heat of action, without the king's order. The words of that narrative are: 'His Majesty, with struggling and wrestling with the said Maister Alexander, had brought him perforce out of that study, the door whereof, for haste, he had left open at his last in-coming, and his Majesty, having gotten (with long struggling) the said Maister Alexander's head under his arm, and himself on his knees, his Majesty drove him back perforce hard to the door of the same turnpike.' The act of slaughter is then thus told:—'Sir John Ramsay enters in into the chamber, and finds his Majesty and Maister Alexander struggling in that form, as is before said; and after he had twice or thrice stricken Maister Alexander with his dagger, his Majesty immediately thereafter took the said Maister Alexander by the shoulders and shot him down the stair.'[1] Now Ramsay, in his deposition, says—'And his Majesty, seeing the deponer, said, "Fy! strik him laich, becaus he has ane pyne dowlit upon him!"'[2] Thus Ruthven was slain by the express order of the king. 'Laich' is low; and 'pyne dowlit' is a secret doublet, or chain shirt of mail. Lord Hailes gives the words 'Fy, strike him high;'[3] and Ramsay, though in his deposition he gives the word 'laich' as that used by the king, appears to have understood it in the sense given by Lord Hailes, for Sir Thomas Erskine, in his deposition already cited, says he 'sees and meets with Mr. Alexander Ruthven, bludit [bloodied or bleeding] in two parts of his body, viz. in his face and in his neck.'[4] Another circumstance

[1] Hailes, iii. 369, 370. Pitcairn, ii. 216, 217.
[2] Pitcairn, ii. 183.
[3] Hailes, iii. 370, note.
[4] Pitcairn, ii. 182.

to be observed here is this. The King's narrative says that Ramsay struck Alexander Ruthven with his dagger,' and a page or two back the same narrative had stated that the king's train were 'all without any kind of armour except swords, *no not so much as daggers or whingers.*' Yet Ramsay himself says, in his deposition, that 'he drew his whinger, wherewith he strak the said Maister Alexander.'[1] As the king does not pretend that the phantom man in the study took any part against him, but that what little he did was on his side; as Ramsay was twenty-three years of age, strong, active, and skilled in the use of his weapons; as therefore there were two to one against Alexander Ruthven, a lad of nineteen, who had no weapons but a sword which he never attempted to draw, it is manifest that James's own self-defence did not demand the slaughter of Alexander Ruthven. On this point, in his conference with Mr. Robert Bruce, he contradicts himself in the same breath.[2] First he says he was compelled to destroy Alexander Ruthven in his own defence; and immediately after lets out that he was once minded to have spared him. Therefore his killing him was not a necessary act of self-defence. And therefore, though his death destroyed the principal *direct* evidence of the true cause of the struggle between the king and Alexander Ruthven, it became one of the links of that chain[3] of circumstantial

[1] Pitcairn, ii. 183. [2] See the conference in Pitcairn, ii. 308.

[3] A number of facts, each of which adds to the probative force of the whole, constitute what is called in common language a *chain* of circumstantial evidence. This is the sense in which the word is used in the text. But the metaphor of a chain is in this sense not correct. For though each link of an iron chain may be essential to render the chain of a length available for certain necessary purposes, each link added to the length by no means adds to the strength of the chain. Whereas, in the sense in which the phrase 'chain of

evidence of adamantine strength which coils round and round this case, and furnishes in such strength and abundance that evidence of delinquency which arises from the destruction, the suppression, and the fabrication of evidence.

In this case the Discourse of King James, and a small portion of the deposition of Sir Thomas Erskine, may be classed under the head of direct evidence. The deposition of Henderson would also come under that head; but, as has been shown, it cannot be regarded as entitled to credit. The most valuable *direct* evidence would have been the testimony of Alexander Ruthven. If the king had secured him alive, and subjected him to a trial, he would only have done what any man acting in the interests of truth and justice would have done. But as

evidence' is used above, each link is supposed to be independent of every other link, and therefore to add its individual contribution to the aggregate strength of the whole. This, however, is contrary to the necessary conditions of a material chain. A more correct metaphor would be that used by Dr. Reid, namely, 'a rope made up of many filaments twisted together. The rope has strength more than sufficient to bear the stress laid upon it, though no one of the filaments of which it is composed would be sufficient for that purpose.'—*Reid's Essay on the Intellectual Powers*, chap. iii. Bentham has, by the use of another metaphor, where weight is the leading idea, thus forcibly expressed the effect of circumstantial evidence. 'Not to speak of greater numbers, even two articles of circumstantial evidence, though each taken by itself weigh but as a feather, when joined together will be found pressing on the delinquent with the weight of a mill-stone.'—*Bentham's Rationale of Judicial Evidence*, vol. iii. p. 242. Bentham has used the phrase 'chain of evidence' in a sense strictly analogous to the material archetype from which the metaphor is taken, namely, to designate a series of facts, each of which stands in the relation of an evidentiary fact, with respect to that which stands next to it in the series. Thus: if A be evidentiary of B, B of C, and C of D, then A, B, C, and D constitute a *chain* of evidence in this sense. Bentham also styles the latter the *self-infirmative*; the former, namely the rope made up of many filaments, which is indicated in the text, the *self-corroborative* chain, thereby expressing the distinction between the two opposite kinds of evidentiary chains.—See *Bentham's Rationale of Judicial Evidence*, vol. iii. p. 223, note.

the king, instead of doing that, had thought fit to order his attendants to kill him, his death by the king's order becomes an article of circumstantial evidence against the king almost as strong as any testimony he could have given in a court of justice, as a living witness. If the king's story and Henderson's story were true, what had the king to fear from Alexander Ruthven's living testimony? Absolutely nothing. Suppose that Alexander Ruthven denied the truth of the statements of the king and Henderson; provided the king and Henderson told the simple truth, they would have had no cause to shrink from any investigation, or to dread such denial. 'The touchstone by which falsehood is detected is inconsistency. In a true narrative inconsistencies are impossible; for of any two, or any number of real facts, to say that any one can be inconsistent with any other, is a contradiction in terms.'[1] Therefore, there being two witnesses to these statements against Alexander Ruthven, if these statements had formed a true and correct narrative, inconsistencies would have been impossible; and there would have been no need either of the slaughter of Ruthven, of the torture of Rynd, of the subornation of Henderson, of the torture of Sprot, or of the fabrication of the letters ascribed to Logan. But the result of all these labours of King James, assisted by his Lord Advocate and all his ablest privy councillors, forms a most instructive commentary on the following remarks of Bentham. 'Falsehoods, to escape detection, must be clear of inconsistency; of inconsistency as well with respect to each other, as with respect to all known and indisputable truths. But to invent a number of falsehoods, which shall not only at the moment, but on

[1] Bentham's Rationale of Judicial Evidence, vol. v. p. 712.

all future occasions, stand clear of every such inconsistency, is in any case a task of extreme difficulty.'[1] Bentham then proceeds to state the increase of the difficulty, rising, it may be said, to impossibility under the check of cross-examination, which, however, was wanting in this case. 'By the force of that check,' he says, 'the number of such facts which a man shall be called upon to invent, to invent at the moment, on pain of seeing the expected fruit of his labours gone, and punishment ready to fall upon his head instead of it, is without limit; and, in the exercise thus given to it, the faculty of invention must at every step be accompanied and supported by the faculty of judgment, and that at a pitch of perfection such as the strongest mind can never feel itself assured of rising to.'[2]

No one, who examines the evidence carefully, can come to the conclusion that the Earl of Gowrie had formed any plot whatever against the king. Neither is there any evidence whatever that the king had formed any plot against the Earl of Gowrie. The only established facts, out of which such a tissue of fiction has been woven, are these. It is certain that the king and Alexander Ruthven were together in the study in the turret, and that something occurred which led to a personal struggle between them. It is also certain that Alexander Ruthven acted in this struggle solely on the defensive. The cause which led to this struggle can never now be known with certainty. The only persons who could tell it were the king and Alexander Ruthven. The king told a story which not only is contradicted on some important points by the man he produced as a witness, but contradicts itself on some points, in others

[1] Bentham's Rationale of Judicial Evidence, vol. v. p. 712. [2] *Ibid.*

contradicts other accounts of the same matter previously given by the king. The king's story, therefore, cannot be believed further, than as proving that there was some strong reason why he desired the truth to be kept concealed. As to what that reason was, I will not here offer any opinion. But though he took care that Alexander Ruthven should have no opportunity of giving his version of the affair, Alexander Ruthven did speak before he died, as he fell unresisting under the repeated blows of the cowardly assassins who were not ashamed to stab a youth already bleeding from two dangerous wounds. He spoke only six words, but those words have the weight that belongs to the words of a dying man. Sir Thomas Erskine says, in his deposition, that he 'cried "Fy! This is the traitor! strike him;"' and that 'he was stricken by them and fell; and as he was falling he turned his face and cried, "Alas! I had na wyte of it!"'[1] That is, 'Alas! I had no blame of it!' King James's advocates have sought to make this refer to his having been led to engage in the 'conspiracy' by his brother.[2] But when it is proved that there was no conspiracy, another meaning must be sought for those dying words, and they *had* a meaning, be assured; and that meaning undoubtedly is, that in the quarrel with the king, he (Alexander Ruthven) was blameless. The account of

[1] Pitcairn, ii. 182. On this Lord Hailes has the following note:—'Wyte is blame, *aitia*. Wyte or wite is old Anglo-Saxon; at least it is used by King Alfred in the preface to his paraphrase or imitation of Boethius *De Consolatione Philosophiæ*—'him ne wite gif, &c.' 'not blame him if, &c.'—*Hailes*, iii. 371, note. It is observable that 'gif'—'if'—is modern Scotch as well as 'wite.'

[2] Thus R. Johnston, Rer. Brit. Histor. lib. viii. p. 265 has actually added to the six words proved to have been uttered by Alexander Ruthven, which he translates thus: 'Edito gemitu proclamavit *se in culpa non fuisse*,' the following: '*Quia non, suâ sponte, sed fraternis concitatus illecebris facinori se implicuit.*'

Nicolson the English ambassador, already mentioned, of certain information given by Sir Thomas Erskine to the queen of Scotland, and the account of La Boderie, the French ambassador in England, which will be given subsequently, furnish corroborative evidence of the truth of Alexander Ruthven's dying words.

In order to support the theory of a conspiracy on the part of the Ruthvens, an equality of numbers was to be made out in the short conflict betweeen the Earl of Gowrie's party and the king's party. Galloway has transformed the seven of the king's narrative into eight, which would, with the earl, make the odds nine to four. Sir Walter Scott makes it eight to four. The following is his narrative. 'This danger [that is the alleged danger to King James from the alleged dagger of Alexander Ruthven] 'was scarcely over, when the Earl of Gowrie entered the outer chamber, with a drawn sword in each hand, followed by seven attendants, demanding vengeance for the death of his brother. The king's followers, only four in number, thrust James, for the safety of his person, back into the turret closet, and shut the door; and then engaged in a conflict, which was the more desperate that they fought four to eight, and Herries was a lame and disabled man. But Sir John Ramsay having run the Earl of Gowrie through the heart, he dropped dead without speaking a word, and his servants fled. The doors of the great staircase were now opened to the nobles, who were endeavouring to force their way to the king's assistance.'[1]

It is true that Herries had a club-foot, which would impede his motions in fencing, but it did not interfere

[1] History of Scotland, vol. i. p. 335.

with his stabbing Alexander Ruthven, already dangerously wounded and defenceless—a deed worthy of knighthood from King James. The veracious Mr. Galloway's two 'lads' were Sir John Ramsay and George Wilson, the former aged twenty-three, the latter twenty-four, as appears from their depositions.[1] It is not easy to ascertain with perfect precision the number of followers who were with the earl in the room. The depositions all go to show that the earl was completely unprepared not merely for any offensive attack, but even for any defence of himself, when the king's cry from the window raised the sudden tumult. He was standing in the street near his own gate with some of the king's attendants, and immediately on hearing the king's voice James Erskine laid hands upon him, and Sir Thomas Erskine, the brother of James Erskine, seized him by the throat, and said to him, 'Traitor, this is thy deed!' to which the earl answered, 'What is the matter? I know nothing!' Some of the earl's servants, seeing their lord assailed in this manner, interfered; but they only parted the earl and the two Erskines, whereas, had there been a plot on the part of the earl, they would have slain them on the spot for such an outrageous act, as well as for their lord's defence. The earl then proceeded about half a bowshot along the street towards Glenorchy's house, drew forth his two swords, which he wore in one scabbard according to a custom then prevalent in Italy, and cried, 'I will either be at my own house or die by the way.'[2] Besides that the Earl of Gowrie had no offensive weapons but the swords

[1] Pitcairn, ii. 182, 189.

[2] See the depositions of the Abbot of Lundoris [Lindores] and of Sir Thomas Erskine, Pitcairn, ii. 181; and of Thomas Cranstoun, Pitcairn, ii. 156, 157.

above mentioned, he had no defensive armour whatever; so that one of his servants, as he entered his own gate, put a steel bonnet upon his head.[1] According to the deposition of Christie the porter, the Earl of Gowrie then, accompanied by Thomas Cranstoun, Alexander and Harry Ruthven, Patrick Eviott and Hew Moncreiff, passed up the 'auld' turnpike.[2] Alexander Blair again deposes that he 'saw Alexander and Harry Ruthven and Hew Moncreiff come down the little[3] turnpike, where they and my lord had ascended; the said three persons having drawn swords in their hands: but he saw not Patrick Eviott there.'[4] Thomas Burrell, burgess of Perth, deposes, 'That the time of the fray, entering within the close [courtyard], he saw standing in the close, with drawn swords in their hands, Alexander and Harry Ruthven, and Hew Moncreiff, bleeding in his face. And at that same time this deponer saw Maister Thomas Cranstoun come down the black turnpike; and he took forth of his hand his sword, and heard Alexander Ruthven cry for 'Fire and powder;' and saw not Patrick Eviott there.[5] Alexander Peblis, burgess of Perth, of the age of thirty years, married, deposes, that, 'being within his own house, foiranent [opposite] the Earl of Gowrie's lodging,[6] howsoon his mother heard the common bell ring, she locked the door and held him in all the time: and saw at

[1] Deposition of Alexander Peblis, Pitcairn, ii. 191. [2] Pitcairn, ii. 188.

[3] These words 'little' and 'auld' [old] are other names for what is elsewhere called the 'Black' turnpike.

[4] Pitcairn, ii. 188. [5] *Ibid.* ii. 190.

[6] 'Lodging' was then a term of greater dignity than it is at present. Thus Wentworth writes to Laud, in 1633, that the royal prerogative may be set above the common law, 'without borrowing any help forth of the king's lodgings.'—*Stafford's Letters and Dispatches*, vol. i. p. 173.

that time the Earl of Gowrie enter in at the yett [gate], with two drawn swords, one in each hand; and a lackey put a steel bonnet on his head. And a certain space thereafter, the deponer saw Hew Moncrieff come forth of the place with a bloody head, and Patrick Eviott's man, likewise bleeding. And also saw Patrick Eviott come forth of the yett [entrance-gate of the courtyard]; but remembers not if he had a sword in his hand. And saw Alexander Ruthven also come forth, with a sword drawn in his hand.'[1] William Rynd, flesher [butcher] in Perth, in his deposition before the magistrates of Perth, depones that 'hearing the common bell, he came with a sword, entered in at the front gate and up the black turnpike, where he saw Hew Moncreiff with a Jedwart-staff, Patrick Eviot[2] and his man with drawn swords:'[3] and in his deposition before the parliament he deposes that 'he saw Patrick Eviott and Hew Moncreiff, both bleeding, having drawn swords in their hands.'[4] David Rynd, deacon, deposed 'he came with his armour to the lodging, at the sound of the bell; and seeing others pass up the black turnpike, he followed up; where he saw Hew Moncreiff striking in under the chamber door with a Jedwart-staff, and would not be stayed by the deponer. Saw Patrick Lamb, sawster [sawyer], on his shoulder, but [without] any help, bring in a rough spar, fairnent the foir [fore] gate of the lodging. Heard Alexander Ruthven cry, 'Fy; bring powder!'[5]

[1] Pitcairn, ii. 101.

[2] This name is in other places, as has been seen, spelt with two t's. In the account booke of the Lord High Treasurer of Scotland it is spelt with one t. See Pitcairn, ii. 240, 241.

[3] Pitcairn, ii. 196. [4] *Ibid.* ii. 189. [5] *Ibid.* ii. 196.

The rough spar and the powder were for the purpose of forcing open the door leading from the black turnpike into the gallery chamber, and saving, if possible, the life of the Earl of Gowrie. For it would appear that when the Earl of Gowrie fell, being run through the body by Ramsay, his followers lost heart and gave way so far as to enable those in the chamber to shut them out and secure the door, the fallen Earl of Gowrie being left in the power of his enemies—those whom he had so lately been exerting himself to entertain as guests. Now though, as has been seen, there is some variation, if not actual discrepancy, in the depositions, those who accompanied the earl up the black turnpike and into the gallery chamber cannot have exceeded six in number, namely Thomas Cranstoun, Henry and Alexander Ruthven, Hew Moncreiff, and Patrick Eviott and his man. This is the maximum number that could have been there. Different depositions speak to four of them being seen bleeding, namely Cranstoun, Moncreiff, Eviott and his man. Those four, therefore, we may conclude to have been there. As to the six being there, there is not conclusive evidence. None of those actually engaged in the fray speak as to the number.

Thomas Cranstoun, in his deposition, says that 'My lord [the Earl of Gowrie] bade, "Up the stair!" And he, passing forward at my lord's command, no ways knowing who followed [that is, who followed after the Earl of Gowrie, whom Cranstoun immediately preceded], my lord came to a chamber, where he saw Sir Thomas Erskine, Doctor Herries, and John Ramsay, standing with drawn swords.'[1] He does not say that he saw the king,

[1] Pitcairn, ii. 156.

who by this time was shut up in the study by his attendants to be out of harm's way, and therefore was incapable of speaking as to the number of Gowrie's servants who accompanied him into the chamber: and, as will be seen, neither of his own witnesses whose depositions are preserved, Erskine and Ramsay, say a word about the number.

Sir Thomas Erskine, in his deposition, says: 'Shortly thereafter Sir Hew Herries [the doctor, as well as John Ramsay, had been knighted between the time of the murder and the time of taking this deposition] followed this deponer into the chamber, and George Wilson, servant to James Erskine; and immediately thereafter Maister Thomas Cranstoun, with his sword drawn in his hand, entered within the said chamber; and the Earl of Gowrie followed him within the same chamber, with a drawn sword in each of his hands, and a steel bonnet on his head; who struck at this deponer and his colleagues, a certain space. Likewise they defended themselves and struck again. And that same time the said deponer was hurt in the right hand by Maister Thomas Cranstoun [this is the only evidence of any of the king's attendants being wounded, though the king's narrative asserts that 'Sir Thomas Erskine, Sir Hew Herries, and Sir John Ramsay, were all three very sore hurt and wounded]. 'And this deponer heard my Lord of Gowrie speak some words at his entry, but understands them not. And last, Sir John Ramsay gave the Earl of Gowrie a dead stroke: and then the earl leant him to his sword; and the deponer saw a man hold him up, whom he knew not: and how soon the earl fell to the ground, Maister Thomas Cranstoun, and the rest who accompanied him departed, and passed down the turnpike. And the deponer re-

members that at that time there was more persons in the chamber with the Earl of Gowrie by [besides] Mr. Thomas Cranstoun; but knew none of them; except, he believes, that a black [dark-complexioned] man that was there in company within the chamber was Hew Moncreiff, brother to the laird of Moncrieff; but the deponer knows not well whether or not it was Hew Moncreiff.'[1]

As to all this Sir John Ramsay 'depones conform to Sir Thomas Erskine in all points.'[2]

If there had been seven persons with the Earl of Gowrie, I think Erskine and Ramsay would have been ready enough to corroborate the assertion of the king's narrative. But though this point cannot be ascertained exactly, the whole number of armed servants on each side can be ascertained. Rynd, the earl's pedagogue, says in his deposition, 'That, to his opinion, the king's whole company was within a dozen of men.'[3] Those who tortured and examined Rynd would not have let out any estimate which made against their object. Therefore this estimate may be considered as within rather than beyond the fact. We may therefore conclude that we are within the actual number rather than beyond it if we place the number of the king's company at eleven men. We can ascertain to a man the number of the Earl of Gowrie's servants and friends who were active in attempting, not to carry out a plot which never existed, but to defend or avenge their lord and his brother Alexander. They were Thomas Cranstoun, George Craigengelt, John Macduff, Walter Cruikshank, Hew Moncreiff, Patrick Eviot and his man, Henry and Alexander Ruthven of Freeland—nine in

[1] Pitcairn, ii. 182.
[2] *Ibid.* ii. 184.
[3] Hailes, iii. 387. Pitcairn, ii. 221.

all.[1] As to the citizens of Perth, though several, as has been seen, came at the sound of the bell, which was rung by order of Bailie Ray, in order, as Ray expressly says in his deposition, 'That all men might come in haste to his Majesty's relief';[2] the same person at the same time says that, 'perceiving his Majesty in extreme and great danger, he ran with all possible diligence through the streets, crying loudly "Fy! Treason! Treason against the king! For God's sake, all honest men haste and relieve the king!"'[3] It is, moreover, proved by some of the depositions that the citizens came under an impression that they were called to help both the king and their provost. Thus 'Gilbert Richardson deposed, at the sound of the bell, he came forenent the lodging, passed up the black turnpike, where he saw . . . Bruce, son to William Bruce, with a drawn sword, crying in under the door, "My lord duke, for God's sake tell me how the king's grace is?" And the deponer cried over the window, "Come up and help the king and the provost."'[4] 'James Bower, notary, deposed, at the sound of the bell, he came there, in his armour, not knowing what the matter was. Cried up to the Earl of Mar, "How the king's Majesty did?" Who answered, "His Majesty was well." And thereafter asked, "How the Provost, my lord, did?" Who answered likewise, "Well." Desired therefore that his lordship would be so good as to let him see their faces, that he might depart. Who answered, "I may be a messenger

[1] Andrew Ruthven, the cousin who accompanied Alexander Ruthven that morning to Falkland, does not appear to have taken any part beyond what is indicated in the deposition of Michael Baxter, who says that 'at the desire of Andrew Ruthven he helped to bear up the Master [Alexander Ruthven], being dead, to the north chamber, in the lodging on the other side of the close [court-yard].'—*Pitcairn*, ii. 197.

[2] Pitcairn, ii. 186. [3] *Ibid.* [4] *Ibid.* ii. 196.

to you." Desired him therefore to depart home; who obeyed and departed.' [1]

It may be also concluded, from the account given of the fight in the gallery chamber by witnesses engaged in it on opposite sides, namely, Cranstoun and Erskine, that Ramsay was a better swordsman than either the Earl of Gowrie himself, with all his Italian education, or any of his followers; and that the other three, Erskine, Herries (notwithstanding his clubfoot), and Wilson, were at least equal, if not superior, swordsmen to any of Gowrie's attendants. Under all the circumstances of the case, and even if Gowrie House had been the 'castle' into which Mr. Buckle has metamorphosed it, will any person capable of forming a passably correct conclusion from *facts*, believe that any sane man would have 'entrapped into his castle in order to murder him' a man with a retinue superior to his own retinue both in number and in skill in the use of their weapons?

The reader may now judge how far the long string of spontaneous uninterrogated testimony constituting this 'Discourse,' put forth by a man who was at once witness and judge in his own cause, and intended to be *direct* evidence against the Earl of Gowrie and his brother, amounts to *circumstantial* evidence against himself, the spontaneous uninterrogated witness.

It will be convenient to give here a short summary of what appears to be established by the evidence given in the preceding pages.

In the first place the result of the evidence shows that there was no conspiracy or plot of any kind on the part of the Ruthvens. In the second place there is no evidence

[1] Pitcairn, ii. 197.

of any plot on the part of the king. As has been said, the only *direct* evidence respecting the cause of the struggle between the king and Alexander Ruthven is the testimony of the king, and a small part of the deposition of Sir Thomas Erskine, where he lets out that, having been stationed by the king at the door of the gallery chamber, he knew more than any one else except the parties engaged of what took place between the king and Alexander Ruthven. I have shown that though the king's testimony is *direct* evidence, it is the evidence of a witness who cannot be relied on. The same remark applies to the whole of the evidence of Andrew Henderson.

The only established facts are, that King James and Alexander Ruthven were in a room together without witnesses; that Alexander Ruthven had no offensive arms but a sword, which was found to be rusted in the scabbard; that a struggle somehow took place between him and the king; that the king instead of having him secured (which he could easily have done, having a superior force of armed servants close by), and brought to trial for the attempt which he alleged had been made against his life or his liberty, ordered him to be slain, it may be said, in cold blood, for he offered no resistance. Now there was no reason whatever why the man with the superior force of armed servants should not have secured the other man, and brought him to trial for any offence he had to charge him with. But it suited his purpose best to have the man killed on the spot, and then to have the telling all his own way of a story known thoroughly only to himself and the dead, who could tell no tales.

When the account of this affair given by the king's authority was first made public, it was generally received

by King James's own subjects with total disbelief. The clergy for some time refused to obey the order issued to them to read from their pulpits his 'Discourse of the Unnatural and Vile Conspiracy.' At length the king, chiefly by threats, prevailed on all of them with one or two exceptions, to profess that they were convinced of the truth of the royal statement. The principal exception was Mr. Robert Bruce of Kinnaird, a younger son of the family of Airth in Stirlingshire, and one of the ministers of Edinburgh. This Robert Bruce, a man worthy of the name he bore and also a worthy ancestor of James Bruce the Abyssinian traveller, could be brought no farther by all the king's persuasions (and he made James furious by asking him why he did not take the Ruthvens alive and bring them to a public trial, since it could not be denied that that might easily have been done) than to declare that he respected his Majesty's account of the transaction, but could not say that he himself was persuaded of the truth of it. The high reputation of Bruce for integrity and ability rendered his example extremely dangerous, but at the same time rendered it dangerous to employ any very summary and violent measures with him, such as would without scruple have been, and were used, with men more obscure. The king, after trying in vain all his power of persuasion in various conferences with him, at last deprived him of his benefice, and banished him the kingdom.[1]

Rather more than half a century before the time when the events above related took place, the practice of trying persons for high treason even after death had been introduced in Scotland from the Roman law. The time at which this practice was adopted by the Scots,

[1] Pitcairn's Criminal Trials, vol. ii. p. 236, *et seq.* Spottiswood, p. 461, *et seq.*

1540,[1] marks the progress of despotism in Europe during the sixteenth century. For it should be observed that it was only in its later stages, when tyranny had made great strides towards perfection, that the Roman law authorized this practice, which, in its worst form, was copied by the modern German and other European tyrants.[2] Even under the tyranny of Tiberius and Nero the Roman law was not so; if the person accused died before judgment, his property descended to his heirs. The reader of Tacitus need not be reminded of the numerous examples, in those dreadful times of which Tacitus writes, of persons preventing judgment by a voluntary death in order that their children or heirs might not be deprived of their property; and in that case the emperor had to pay his blood-hounds who had hunted the victim to death, out of his privy purse, *fiscus*, as opposed to *ærarium*, the public treasury.[3] By so much was the condition of Scotland under this Stuart worse than the condition of Rome under Tiberius and Nero.

In accordance with this law the form of a trial was gone through before the Scottish parliament. The dead

[1] Robertson's History of Scotland, vol. ii. p. 209, note, London, 1825.

[2] See Julii Pacii Analys. Instit. Lib. iv. tit. 18, § 3. Though the English kings were precluded by the English law from this mode of acquisition, their rapacity sought to effect the same object by excessive cruelty. 'It was probably,' says Mr. Amos, 'with a view to secure forfeitures, that the punishment of the *peine forte et dure* was made so excruciating.' Note at pp. 374, 375 of The Great Oyer of Poisoning: the Trial of the Earl of Somerset. In the same note Mr. Amos mentions the case of a man who suffered himself to be pressed to death in order to preserve his estate for his child, which would have been forfeited had he pleaded and been convicted. The same case is given in Christian's note (4 Bl. Com. 325). In which note it is also stated that 'in the legal history of England there are numerous instances of persons who have had resolution and patience to undergo so terrible a death in order to benefit their heirs by preventing a forfeiture of their estates, which would have been the consequence of a conviction by a verdict.

[3] See particularly Tacit. Ann. iv. 30.

bodies of the two brothers[1] were produced before the parliament that met at Edinburgh on November 1.[2] An indictment for high treason was preferred against them. Witnesses were examined, from whose depositions various extracts have been given in the preceding pages. The king, indeed, who was the material witness, was not examined. Some writers have of late insisted much on the small power of the Scottish kings; and it is indeed true that as long as the Scottish nobility continued to possess warlike habits and warlike vassals, they could sometimes singly, like the old Douglases, and always when combined, set their kings at defiance. But there were various forces at work at this time to weaken the power of the nobility and strengthen that of the king. Their own habits and those of their dependents had become much less warlike in the course of the preceding century. The near prospect, moreover, of a vast accession of power to their king by his succession to the throne of England operated both in the way of fear and of hope. Added to all which considerations was the immediate plunder of the large and valuable estates of the Gowrie family. The result was that by the sentence of the parliament the estates and honours of the Gowrie family were declared forfeited; the punishment of traitors was inflicted on the dead bodies of the earl and his brother. On the same day on which the Earl of Gowrie, and all his family,

[1] Among the extracts from the Records of the Privy Council of Scotland given by Mr. Pitcairn, there is an order to the magistrates of Perth to keep the bodies of the Earl of Gowrie and his brother Alexander unburied.—*Pitcairn*, ii. 233.

[2] 'Oct. 30. The corpses of the Earl of Gowrie and his brother were transported to Edinburgh to the parliament to be holden the first of November; and were ferfaulted the 11th of November.'—Extract from Fleming's Chronicle, MS. Advocates' Library. *Pitcairn*, ii. 247. Thus it was the '*corpses*' that were '*ferfaulted*.'

including his father's brother, were 'ferfaulted,' namely, November 15, 'being the riding-day of Parliament,' Sir Thomas Erskine received a charter of the third part of the lordship of Dirleton, John Ramsay and Hew Herries were knighted, and Sir Thomas Erskine's man[1] was made gentleman.[2] On October 9 a proclamation was issued, charging all those of the name of Ruthven to pass out of the country; in special, Alexander, father's brother to the said earl, and the said earl's two surviving brothers.[3] The king also commanded August 5 to be kept as a solemn day, with preaching and prayer and thanksgiving, for his preservation from the treason of Gowrie and his brother and their accomplices.[4] In addition to all this, as if the punishment hitherto in use did not express sufficient detestation of the crimes of the Earl of Gowrie and his brother Alexander Ruthven, the parliament enacted that the surname of Ruthven should be abolished.

There is some extremely significant evidence to be gathered from the records of the proceedings of this parliament in the matter of the Earl of Gowrie and his brother. In the folio edition of 1816 of the acts of the parliament of Scotland, which contains in full all the acts not before printed, the acts relating to the Gowrie case, of the parliament held at Edinburgh in November 1600, are in all eight in number, besides the 'Doom of Parliament' against the two brothers which precedes the acts. The acts stand in the following order.

1. Act anent the dishereising and inhabilitie of the brothers and posterity of the Earl of Gowrie.

[1] This seems a mistake for Sir Thomas Erskine's brother's man, George Wilson.

[2] Robert Birrel's Diary, cited Pitcairn, ii. 246.

[3] *Ibid. ibid.*

[4] *Ibid. ibid.*

2. Act abolishing the surname of Ruthven. This proceeding, as Dr. Robertson has remarked, was unprecedented at that time in Scottish history; an important circumstance, to which I shall have to refer hereafter.

3. The fifth day of August appointed for a solemn thanksgivings in all time coming.

4. Act of annexation of aforesaid lands to the crown. But the 'exceptand' [excepting] clauses of this act are very important. Large grants are made thereout in the first place to Sir Thomas Erskine. Then grants of a somewhat smaller extent are made to Sir Hew Herries, to Mr. Patrick Galloway, and to several others. Sir John Ramsay's services are not rewarded in this act, but by a separate act which stands the eighth in number, and is intituled 'Act in favour of Sir John Ramsay.' An enfeftment of the lands of East Barnes, not out of the Gowrie estates, is made to Ramsay.

The acts fifth and seventh are acts in favour of Sir Thomas Erskine and Sir Hew Herries respectively.

A question may here arise. Alexander Ruthven was killed by Sir John Ramsay, Sir Hew Herries, and George Wilson, the servant of James Erskine, the brother of Sir Thomas Erskine. The Earl of Gowrie was killed by Ramsay alone. Why, then, did Sir Thomas Erskine's share of reward occupy so prominent a place? The answer is, that Sir Thomas Erskine, like Somerset, was possessed of one of those costly secrets which King James had the fortune to be concerned in. It was in the dexterity with which James managed to preserve his dangerous secrets that he evinced that ability for compassing his ends before mentioned. The intrinsic ability of a man to be rewarded went for nothing with King James.

Though Bacon was a very great man, and this Erskine a very small man; and though Bacon was as ready as Erskine could be to blacken his name and damn himself in the king's service, what were Bacon's rewards compared to Erskine's? When James succeeded to the throne of England, Sir Walter Raleigh was removed from the captainship of the Guards, and that office was conferred on Sir Thomas Erskine, who was also created an earl and a knight of the Garter, and received large grants of land in addition to the third part of the lordship of Dirleton, which had belonged to the Earl of Gowrie. Sir John Ramsay was also created Viscount Haddington, and subsequently Earl of Holderness. We have seen what were the facts regarding the slaughter of the Earl of Gowrie and his brother. Any one who wishes to see an instructive commentary on Burke's Letter to a Noble Lord on the attacks made upon him and his pension in the House of Lords by the Duke of Bedford and the Earl of Lauderdale, may read the titles 'Erskine, Earl of Kellie,' and 'Ramsay, Viscount of Haddington,' in Douglas's Peerage of Scotland.

It appears that William Ruthven, the brother who was next in age to the two Ruthvens murdered in the manner described, and who would but for the forfeiture have become Earl of Gowrie, made his escape to the continent at the time when his younger brother Patrick[1] was

[1] An interesting account of Patrick Ruthven, drawn up by Mr. John Bruce from the family papers relating to the Ruthvens, of Colonel Cowell Stepney, M.P., a representative of the last male descendant of the Gowrie family, will be found in the Archæologia, vol. xxxiv. pp. 190–224. Patrick Ruthven remained a prisoner in the Tower for near twenty years. Mrs. Hutchinson, who was the daughter of Sir Allen Apsley, Lieutenant of the Tower, in the Fragment of Autobiography, prefixed to her Memoirs of the life of her husband, Colonel Hutchinson, says:—'Sir Walter Raleigh and

thrown into the Tower by King James, and sought refuge in France. At all events he was in France in the beginning of the year 1608. For, though historical inquirers have been able to learn nothing further respecting him than that he lived beyond sea, I have met with traces of him, which appear to me to have a not unimportant bearing on this subject. These traces occur in the correspondence between M. de la Boderie, the French ambassador in England in 160$\frac{7}{8}$, and the French Secretary of State. In a dispatch dated February 3, 160$\frac{7}{8}$, from the French Secretary of State to the French ambassador in England, there is the following passage: 'You will have the copy of a petition presented to the king by the Earl of Gowrie, to two points of which, namely to give him some maintenance in this court, or to give him the means of going to serve some other prince, his majesty will not listen, but would rather aid him in getting him restored to his property, if the good offices of his Majesty in that behalf with the King of England would be well received; you will sound gently thereupon, and inform us of the result; for otherwise his Majesty will not engage in the business.'[1]

To this communication, which shows that the King of France, Henry IV., took an interest in the unfortunate family, incompatible with a belief in the treasonable con-

Mr. Ruthin [Patrick Ruthven, perhaps called Ruthen or Ruthin because the name of Ruthven had been abolished in Scotland by Act of Parliament] being prisoners in the Tower, and addicting themselves to chemistry, my mother suffered them to make their rare experiments at her cost, partly to comfort and divert the poor prisoners, and partly to gain the knowledge of their experiments, and the medicines to help such poor people as were not able to seek physicians. By these means she acquired a great deal of skill, which was very profitable to many all her life.'

[1] Ambassades de M. de la Boderie, en Angleterre, sous le règne de Henri IV et la minorité de Louis XIII, depuis les années 1606 jusqu'en 1611, 5 tom. 1750, tom. iii. p. 68

spiracy with which they were charged, the French ambassador, in a dispatch dated London, Febuary 14, 160$\frac{7}{8}$, made the following significant reply:—'As to the matter of the Earl of Gowrie [du Comte de Gouray], whose petition you have sent me, the king has not only done very well in refusing the two first parts, but I am by no means of opinion that he should engage in the other. *Chi offende non perdona*; and if ever prince was of that humour, this is so. It would make him furious [1] only to speak of it to him; and besides that we should gain nothing thereby, because all the estates of the said earl have been given to several lords, all of whom it would be necessary to displease and render disaffected in order to satisfy him. His condition is truly deplorable; but I see no remedy for it, at least on our part.' [2]

But although the French ambassador judged it altogether inexpedient to sound the king himself on this subject, it is extremely probable that King James might hear something of the proposition of the French king. For La Boderie was on good terms with Ramsay, then Viscount Haddington, whom he several times mentions in his dispatches as one of James's courtiers who were more favourable to the French than the Spanish interest.

[1] Ce serait le faire cabrer.

[2] Ambassades de M. de la Boderie, tom. iii. p. 108. In another dispatch (27 Feb. 160$\frac{7}{8}$) La Boderie, after mentioning the enormous sums which King James had bestowed on Sir John Ramsay, uses these remarkable expressions:—'I do not doubt that in these extraordinary favours which he has received from the king his master, there may have been a little artifice; for as the action for which the king advanced him and the subject of it are a little aromatic and told different ways, there is an appearance that by these public demonstrations the said king attempts to confirm the belief respecting it which he has sought to give; but I know not if that will be sufficient to prevent qu'il n'en demeure une grande note à sa maison au jugement de la postérité.'—*Ibid.* tom. iii. p. 130.

There is therefore strong ground for the conclusion that the interest taken in the Gowrie family by Henry IV. of France forced upon James the conviction that it was necessary to make some attempts to produce a stronger belief of the truth of his story about what he called 'the unnatural and vile Conspiracy attempted by John Earl of Gowrie and his brother against his Majesty's person.' The result was an attempt by King James and his confidential minister in Scotland, Sir George Home, who had been active eight years before in having Rynd 'extremely booted,' and who for his services as a minister obsequious to his master and oppresive to his master's subjects, had been created Earl of Dunbar, to 'make the story of the Gowrie Conspiracy hang more handsomely together, by having another unfortunate wretch 'extremely booted.' These words 'hang more handsomely together,' which are very significant as showing the general opinion at that time in England, and even in James's court, respecting the story, occur in the following passage of a contemporary letter: 'The king is somewhat pleased with a late accident, where one Sprot being to be executed for some other matter, confessed somewhat touching Gowrie's conspiracy that makes it hang more handsomely together.[1] This matter of Sprot, which was by no means an accident, confirms, as I will show, not the truth, but the falsehood, of the king's story; which, if it did not 'hang handsomely together,' before, hangs still less handsomely together now. But I will first give Sir Walter Scott's version of this matter of Sprot, which is, as will be seen, quite in accordance with his treatment of the rest of the tragedy of Gowrie House.

[1] John Chamberlain to Dudley Carleton, London, Nov. 11, 1608. MS. State Paper Office.

Sir Walter Scott says :—'Nine [eight] years after the affair, some light was thrown upon the transaction by one Sprot, a notary-public, who, out of mere curiosity, had possessed himself of certain letters, said to have been written to the Earl of Gowrie by Robert Logan of Restalrig, a scheming, turbulent, and profligate man. In these papers allusion was repeatedly made to the death of Gowrie's father, to the revenge which was meditated, and to the execution of some great and perilous enterprise. Lastly, there was intimation that the Ruthvens were to bring a prisoner by sea to Logan's fortress of Fastcastle, a very strong and inaccessible tower, overhanging the sea, on the coast of Berwickshire.'[1] As Sir Walter Scott had received the education of a lawyer and may therefore be supposed to have had some knowledge of the principles of evidence, the only explanation that occurs of his writing thus respecting these letters is, that he had never read them. But Sir Walter even takes credit for making a point in favour of the king which had been before overlooked. He says: 'I must not conclude this story without observing that Logan's bones were brought into a court of justice, for the purpose of being tried after death, and that he was declared guilty, and a sentence of forfeiture pronounced against him. But it has not been noticed that Logan, a dissolute and extravagant man, was deprived of great part of his estate before his death, and that the king, therefore, could have no lucrative object in following out this ancient and barbarous form of process.'[2] Sir Walter has been particularly unfortunate in the raising of this point, as will appear from what follows.

[1] Sir Walter Scott's History of Scotland, vol. i. pp. 336, 337 : Edinburgh, 1846.

[2] *Ibid.*

It is, in the first place, to be observed that Robert Logan, laird of Restalrig, who is described by all who mention him as a man of extremely profligate character and dissolute life,[1] was a man about as likely to have been selected as a confidential friend by the Earl of Gowrie and his brother as Judge Jefferys would have been to be so selected by Sir Matthew Hale, or Buckingham, Lauderdale, and Clifford by Lord Russell and Algernon Sydney. This Logan died in the month of July 1606; and the state in which he left his property at the time of his death will afford very curious evidence respecting the reasons which induced the Earl of Dunbar, prime minister, and Lord Balmerinoch, Secretary of State, for Scotland, to select Logan of Restalrig as a candidate for the honour of having participated with the Ruthvens in what they dominated 'the Gowrie Conspiracy.' It appears that both these persons, Dunbar and Balmerinoch, had engaged in money transactions to a great amount with Logan, and were deeply indebted to his estate. 'From the record of the Great Seal it appears,' says Mr. Mark Napier, 'that in the year 1605 Logan's estate of Restalrig had passed into the hands of Balmerinoch by purchase. *But the price had not been paid;* and when the laird of Restalrig died the Secretary was in his debt no less than *eighteen thousand marks*, a large sum in those days. This is proved by the register of confirmed testaments, where Logan's is recorded; and by the same it appears that the Earl of Dunbar was also Logan's debtor to the amount of fifteen thousand marks.'[2]

[1] 'Ane godless drunkin deboschit man in his tyme.' Wodrow MSS. in the Advocates' Library, cited Pitcairn's Criminal Trials, vol. ii. p. 275.

[2] See Mr. Mark Napier's very valuable note in the Bannatyne Club edition of Spottiswood's History, vol. iii. p. 289. Mr. Napier adds:—'To that most

It further appears, by extracts from the Register of the Privy Seal, also furnished to Mr. Mark Napier by Mr. David Laing, that George earl of Dunbar obtained from the king 'the gift of the escheit and ferfaultour of the sowme of fyftene thousand markis Scotis money,' remaining unpaid by him to the late Robert Logan of Restlarig for completing the sum of thirty-eight thousand marks agreed on for the lands of Flemyngtoun. At the same time appears another grant to Alexander Home of Renton, the Earl of Dunbar's cousin-german, of certain leases and tithes that had belonged to the late Robert Logan of Restalrig.[1] It has been said to be dangerous to speculate about motives, but there were here motives of considerable force for the selection of the dead Logan of Restalrig to perform the principal part in the afterpiece to the Gowrie House tragedy that was now to be brought upon the stage.

For the accomplishment of their own and their royal master's purpose this prime minister Dunbar, and this secretary of state Balmerinoch, fixed upon a certain notary of the name of George Sprot. This Sprot was, like Logan, a man of bad character, being known as a fraudulent notary and very expert in the art of forging hand-writing. Of the particulars of the career of an obscure man like Sprot, it would be almost impossible to obtain evidence of the best kind. But the contemporary historians, such as they are, describe him as so skilful in imitating hand-writing as to render it almost impossible to say whether

[1] accurate and obliging antiquary, Mr. David Laing, I am indebted for an exact transcript of the confirmed testament of Logan of Restalrig, who died in the month of July, 1606. The confirmation is dated *ultimo Januerii*, 1607 [that is, 1607–8], not long before the commencement of the process against the notary Sprot.'

it was a forgery or not. The concurrent testimony[1] of contemporary writers leads to the conclusion that Sprot would have suffered death at any rate for having forged deeds, and that he was partly bribed by the Earl of Dunbar, by promises of benefit to his wife and children, partly tortured into his fabricated story in regard to Logan's correspondence with the Ruthvens.

About two months after the date of the despatches of the French ambassador last quoted, namely in April 1608,[2] Sprot was seized and brought before the Scottish Privy Council. The unfortunate man had fallen into evil hands when he fell into those of the barbarians and slaves who then, under the name of a Privy Council, misgoverned Scotland. Sprot was examined before the Privy Council on the 5th, 15th, and 16th of July 1608;[3] but as no record of these examinations has been preserved, and as the total want of publicity in those trials in all the systems of law borrowed from the Roman, whether French, German or Scotch, rendered a judicial procedure a most apt instrument for executing the purposes of despotism under the colour of law, all that we know is that Sprot was subjected to the extremity of torture in the form of that Scottish political institution, the 'buittis,' under the effect of which he was induced to make certain depositions 'to the satisfaction of the Council.'

Sprot's examination on the 10th of August, in the presence of the Earl of Dunbar, the Earl of Lothian, the Bishop of Ross, the Lord Scone, the Lord Holyroodhouse,

[1] See Mr. Mark Napier's notes to Spottiswood's History, vol. iii. pp. 281, 286.

[2] MS. in the Advocates' Library, given in Pitcairn, ii. 275.

[3] So it is stated in the indictment of August 12th, 1608, Pitcairn, ii. 259.

the Lord Blantyre, Sir William Hart his Majesty's Justice, Mr. John Hall, Mr. Patrick Galloway, Mr. Peter Hewart, ministers of the kirks of Edinburgh, has been preserved 'written and set forth by Sir William Hairt (or Hart) Knight, Lord Justice of Scotland.' In his deposition made on this occasion, Sprot professed to narrate what he knew, and how he came to know, of the alleged correspondence between Logan and Gowrie; and he also professed to repeat from memory certain portions of that correspondence; first a letter from Gowrie to Restalrig; and secondly Restalrig's answer to that letter. He also alleged that he stole that letter from Restalrig to Gowrie; and 'that he left the above written letter in his chest among his writings, when he was taken and brought away, and that it is closed and folded within a piece of paper.[1] Now it is of the first importance to ascertain how far this alleged letter which is set forth in Sprot's indictment[2] agrees with the corresponding letter afterwards produced by the Lord Advocate: because if it does not agree, its disagreement proves that there was no such letter in existence; since though Sprot, repeating the letter from memory, might state it inaccurately, if such a letter existed in his repositories as he is made to allege, there would have been no difficulty whatever in procuring the letter and setting it forth accurately in the indictment.

The account of this business, which may be truly characterised as one of the most elaborate pieces of villany and cruelty ever perpetrated by man, combining the cruelty of the Kâfir and Red Indian with the servile subtlety of the semi-civilised crown lawyer and the servile

[1] Examinations, &c. of George Sprot, Pitcairn, ii. 273.
[2] Pitcairn, ii. 257.

hypocrisy of the semi-civilised court priest, would be incomplete without the addition of the appeal to the religious sanction by which this conclave of inquisitors adjured the unhappy wretch to die with a lie in his mouth.

'And also the 11th day of the foresaid month and year, the said George Sprot being re-examined in the presence of a number of the Council and ministers aforesaid, and it being declared to him that the time of his death now very near approached, and that therefore they desired him to clear his conscience with an upright declaration of the truth; and that he would not abuse the holy name of God, to make him as it were a witness to untruths: and specially, being desired that he would not take upon him the innocent blood of any person, dead or quick, by making and forging lies and untruths against them: Deponeth, that he acknowledgeth his grievous offences to God (who hath made him a reasonable creature) in abusing his holy name with many untruths, since the beginning of this process: but now being resolved to die, and attending the hour and time when it shall please God to call him, he deponeth, with many attestations, and as he wisheth to be participant of the kingdom of heaven, where he may be countable and answerable, upon the salvation and condemnation of his soul, for all his doings and speeches on this earth; that all that he hath deponed since the 5th day of July last, in all his several depositions, were true, in every point and circumstance of the same; and there is no untruth in any point thereof. And having desired Mr. Patrick Galloway to make a prayer whereby he might be comforted now in his trouble; which was done: The said deponer, with many tears, after the prayer, affirmed this his deposition to be true:

and for the confirmation thereof declared, that he would seal the same with his blood.'[1]

As we only possess such fragments of the trial of Sprot as it suited the purpose of those who tried him to make public, it is vain to attempt to give a complete or even a consistent account of it. A MS. fragment, preserved in the Advocates' Library, and printed by Mr. Pitcairn,[2] which being anonymous cannot be accepted as good authority, says, that after his first examination and after having received some strokes in the boots, 'the said George being urged to depone what further he knew in the said matter, to the further satisfaction of the Council, and being booted to that effect, he then with great and solemn oaths declared that all was false that he had written or said in the said matter; and willed them that were his auditors, that if ever at any time thereafter he should say or write otherwise, that there should be no credit given thereto. And so, the matter lying over till my lord of Dunbar's coming into this country' [that is, coming down from court, where he had been to take the king's instructions as to making the Gowrie story hang more handsomely together], 'he then caused take the said George Sprot forth of ward, and caused cure his legs, which were very evil wounded with the boots; and thereafter caused present him before the Council; when he ratified all that ever he had said first in the said matter.' This is strange. Mr. Pitcairn, in his note, attempts to explain it thus: 'It seems clear that this retraction of his former voluntary confessions was only extorted from Sprot by the extremity of the torture

[1] Examinations, &c., of George Sprot, Pitcairn, ii. 273, 274.

[2] Pitcairn, ii. 275, 276. This MS., from the allusion to Dunbar's not being then in Scotland, evidently has reference to the examinations of Sprot in July.

suffered by him in 'the buittis.' For no sooner is he rid of them, and patiently examined on oath before the Privy Council, than he explicitly declares the truth of his previous declarations.'[1] Mr. Pitcairn then adds that 'the administration of the torture to so exquisite a degree proves the extreme anxiety of his examinators to draw out *the truth.*' Mr. Pitcairn seems to differ from Cicero, Beccaria, Blackstone, and other authorities of some name, as to the effect of torture, though if the account quoted above be correct the effect of torture in this case, contrary to its effect generally, according to Beccaria, really was to 'draw out the truth.' For I shall show that the alleged letters were forgeries. But I think it not improbable that the anonymous writer's account is only correct so far that the Privy Council had considerable difficulty in making Sprot depose entirely to their satisfaction. It is indeed possible that the extremity of torture may on some occasion have produced the same effect on Sprot that an excess of wine is said to do on many men, and have made him speak the truth for once in his life. For as Sprot was a fradulent notary and a forger of writings, it may be very fairly inferred that he was also generally and habitually a liar.

Sprot having, as has been seen, on August 11, been made to adhere to his deposition of the day before, was convicted[2] on the 12th in terms of that confession; and he was hanged in the afternoon of the *same day.* Calderwood says, 'The people wondered wherefore Dunbar should attend upon the execution of such a mean man; and surmised, that it was only to give a sign when his

[1] Pitcairn, ii. 276, note.

[2] See the indictment in Pitcairn, ii. 256-259.

speech should be interrupted, and when he was to be cast over the ladder.'[1] The effect of this proceeding of stopping a witness, in such a manner, will at once be seen to be that what he has said being taken without what he was proceeding, but was not allowed to say, would convey an impression of his meaning the direct opposite of the truth.

As Mr. Mark Napier has observed, all our modern historians have assumed that the letters were produced on the trial, and that upon them the king's advocate proceeded, or, in the language of the Scots law, libelled against Sprot.

In Mr. Pitcairn's laborious and valuable publication of the Criminal Records of Scotland, the indictment itself is printed from the original record. It is there set forth that Sprot acquired his knowledge of the treason by knowing that divers letters and messages had passed between the late Earl of Gowrie and Logan the laird of Restalrig; that this had happened by means of Logan's confidential messenger 'laird Bour,' who had given Sprot those letters to read, he (Bour) not being able to read one syllable. The indictment further sets forth that, besides having seen several of the said letters, Sprot had stolen one and kept it in his own possession. This is the *only letter* the contents of which the king's advocate pretends to have any exact knowledge of. And this letter is so set forth in the indictment as to appear, not an *abstract*, as Mr. Pitcairn (ii. 257, note 1) loosely assumes it to be, but a *verbatim extract* (the words of the indictment being 'of the *tenour* following') of all that

[1] Calderwood, printed by the Wodrow Society, vol. vi. p 780

is material to the cause. It is important, in reference to a comparison of Archbishop Spottiswood's notice of the subject (see *post*, p. 282) with the dissertations of modern historians, to bear in mind that the indictment proceeds only upon *one* letter, and only charges the accused of having obtained possession of that one, though he is also accused of having seen others in the hands of this Bour. Moreover the public prosecutor does not pretend to libel or proceed upon the letter itself as a *production*.[1] He does not say that, in consequence of Sprot's alleged confession, this letter was sought for and recovered either from Sprot or his repositories, a most important point in the prosecutor's case, and one which, had the fact been so, he would not have failed to introduce specially. And yet when a letter, assumed to be the same as this, is produced about a twelvemonth afterwards on the trial of *Logan's bones*, that letter turns out to be essentially different from the *extracts*, not *abstracts*, in the indictment against Sprot. If *any one* of the alleged letters had really existed in Sprot's repositories, it would of course have been recovered and used in his trial.

'On comparing these two important records,' says Mr. Mark Napier, 'the deposition and the indictment, it will be seen that the only letter libelled is the very same as that which had been taken down from Sprot's own lips. That he then had given it [or had professed to give it] from memory, and had not produced it, is manifest from the conclusion of his examination, where he depones, 'That he left the above written letter in his chest among his writings when he was taken and brought away, and

[1] The word 'production' is, I apprehend, the Scots law term corresponding nearly to the term 'exhibit' in English law.

that it was closed and folded within a piece of paper.' The king's advocate, for reasons best known to himself, did not libel upon the alleged letter from Gowrie' to Logan, which Sprot in his confession also repeated [professed to repeat] from memory. That letter was never pretended to be produced at all; nor was it heard of more. Neither does it appear that the king's advocate, upon this deposition of Sprot, recovered out of his [Sprot's] chest the letter from Logan to Gowrie' [which he would surely have done had such a letter existed]. 'Had he done so, he would have stated the fact, and libelled upon the production of it. Instead of which, as is manifest from the terms of the indictment itself, he libels entirely from Sprot's deposition,[1] and upon the letter he repeated from memory therein, *ipsissimis verbis.* Throughout the whole of the records of the trial, so well collected by Mr. Pitcairn, there is not a circumstance or expression to warrant any other idea than this, that not one of the treasonable letters about which so much was heard some time aftewards, and *no letter at all*, was produced throughout the proceedings that brought Sprot to the gallows.'[2]

[1] I have substituted here the word 'deposition' for the word 'confession' used by Mr. Napier, for this reason, that 'confession' is rather a misleading term, being usually understood to imply a true statement.

[2] Spottiswood's History, Bannatyne Club edition, vol. iii. pp. 274, 275. In regard to Mr. Pitcairn's inference that the public prosecutor at Sprot's trial, about a year before Logan's forfeiture, had in his possession 'the treasonable letters' (five in number) afterwards produced in the process against Logan's bones, Mr. Napier very justly remarks:—'With the highest respect for that intelligent collector's valuable researches, we must say, that loose and partial notes, and ill-digested views of evidence, deteriorate the value of such an undertaking, and are detrimental to the cause of historical truth in which he labours. Even the best historians will think it a sufficient fulfilment of the task of research, upon a particular incident, to turn over the groaning pages of Mr. Pitcairn's voluminous collection, which may

In the following page of his elaborate note, Mr. Napier thus continues: 'For the first time, then, in the strange proceedings against the bones of the unconscious Restalrig, were those treasonable letters, said to be in his handwriting, produced. Where they had been found, during the interval between those two processes, the public prosecutor does not vouchsafe to disclose. His Summons of Treason, and the whole record, are silent upon that subject.'

The name of Spottiswood, who was then Archbishop of Glasgow, stands third in the list of those who sat upon the trial of George Sprot. He was also one of those who were on the scaffold at Sprot's execution, and his name stands first in the list of those who subscribed Sprot's final deposition there made. Archbishop Spottiswood distinctly confirms what has been stated from the records, that *no letter was produced* at Sprot's trial. In his history, after mentioning that Sprot had deponed 'That he knew Robert Logan of Restalrig, who was dead two years before, to have been privy to Gowrie's conspiracy, and that he understood so much by *a letter* [not letters] that fell in his hand, written by Restalrig to Gowrie, bearing that he would take part with him in the revenge of his father's death, and that his best course should be to bring the king by sea to Fast Castle, where he might be safely kept till advertisement came from those with whom the earl kept intelligence,' he adds the following sentence: 'It seemed a very fiction, and to be a mere conceit of the

be termed the Book of Sighs, and to hasten for assistance and relief to his *guiding* notes; and *thus error enters history, from authentic rounds.*' A remarkable confirmation of the truth of this prediction of Mr. Napier, as to the effect of Mr. Pitcairn's notes, afforded by Mr. Buckle's History of Civilisation, has been mentioned in the first of these essays.

man's own brain; *for neither did he show the letter*, nor could any wise man think that Gowrie, who went about that treason so secretly, would have communicated the matter with such a man as this Restalrig was known to be.'[1]

Sir Walter Scott says, 'The fate of Sprot, the notary, was singular enough. He was condemned to be hanged for keeping these treasonable letters in his possession without communicating them to the government; and he suffered death accordingly, asserting to the last that the letters were genuine, and that he had only preserved them from curiosity. This fact he testified even in the agonies of death; for, being desired to give a sign of the truth and sincerity of his confession, after he was thrown off from the ladder, he is said to have clapped his hands three times.'[2] Such is Scott's account of what Calderwood represents as the trick by which Dunbar gave a sign when Sprot's dying speech should be interrupted by his being cast off the ladder so as to give to his words a sense the reverse of that which they seemed intended to convey.

It is certainly a strange phenomenon to see modern historians assuming King James's story of what he called the Gowrie Conspiracy to have been confirmed by the 'confessions' and other doings of the notary, George Sprot, when a contemporary historian, a churchman of the highest position in the kingdom, who sat as one of the judges on the trial of Sprot, and attended on the scaffold to attest the dying words of the wretched victim, should

[1] The History of the Church of Scotland, by John Spottiswood, archbishop of St. Andrew's, vol. iii. pp. 199, 200. Bannatyne Club edition, Edinburgh, 1850.

[2] Sir Walter Scott's History of Scotland, vol. i. p. 337: Edinburgh, 1846.

himself have recorded his utter disbelief of Sprot's 'confessions.' 'Archbishop Spottiswood,' observes Mr. Mark Napier, 'did not, and dared not, at the time, announce his disbelief, or even evince scepticism. Far less dared he, in the lifetime of the monarch whom that strange story so deeply concerned, have published such a paragraph as his history contains. Yet his contempt for, and disbelief of, the wild romance extracted *per fas et nefas* [*per nefas only* he should say] from the notary Sprot, he deliberately recorded for all posterity to read. This of itself is no unimportant commentary upon that disgusting passage in the history of James VI.'[1]

The Earl of Dunbar brought down with him 'special,' to act his part in the business of Sprot; George Abbot, then Dean of Winchester, who wrote a narrative[2] of Sprot's execution, at which he was present. This narrative being interspersed with much theological erudition and many pious reflections, proved very edifying to those who believed it, and very satisfactory to his Majesty, who perhaps believed it himself. He at least evinced a high appreciation of it; for we find that George Abbot was elected, May 27, 1609, Bishop of Lichfield and Coventry, was translated to London January 20, 1610, and to Canterbury March 4, 1611.[3] I think it will be generally allowed that few literary productions have been better

[1] See Mr. Mark Napier's valuable note in the Bannatyne Club edition of Spottiswood's History of the Church of Scotland, vol. iii. p. 289: Edinburgh, 1850.

[2] This narrative, which was printed and published at the time (London, 1608) as a Preface to Sir William Hart's Report of the Trial and Examination, is reprinted in Mr. Pitcairn's valuable collection of documents relating to the trials. Pitcairn's Criminal Trials, vol. ii. pp. 262-272.

[3] Succession of Archbishops and Bishops. Sir Harris Nicolas's Synopsis of the Peerage, vol. ii.

paid for than this narrative of Dean Abbot's of the execution of George Sprot, notary.

Everything in the shape of a defence of the Earl of Gowrie and his brother was so effectually destroyed [1] that not a single copy of a small tract written in vindication of them, can now be met with.[2] Mr. Pitcairn, under the head 'writing slanderous pasquils against the king,' says, 'Owing to the scrupulous care adopted by the Lord Advocate to suppress these offensive papers, the precise nature of the pasquils [lampoons] alluded to cannot now

[1] As an example of the extent to which such an effect can be produced, it may be mentioned that in December, 1851, the proclamation issued by the French Assembly for the deposition of Louis Napoleon Bonaparte was said to be so completely destroyed that in the course of a few hours not one copy was to be seen; and yet that document has already become of historical importance, though it may perhaps be sought for by the historian in vain.

[2] Mr. Pitcairn says:—'Lord Hailes remarks that "it appears by a letter from Sir John Carey, governor of Berwick to Cecil, September 4, 1600, State Paper Office, that some treatise had been published in Scotland in vindication of Gowrie." This treatise must have been privately circulated in MS. or, if printed, the impression had been seized at press. Not a vestige of the tract remains. Even the title, or an abstract of the facts and arguments, is unnoticed by any of the numerous contemporaneous writers who profess to espouse the cause of the Earl of Gowrie. The Rev. James Scott, in his History, 8vo. Edinburgh, 1818, p. 5, quotes a MS. in the Library of the Society of Antiquaries, Perth, which he terms "Stewart's Collections," in which it is stated that "after the Earl of Gowrie's death, a small treatise was published in his vindication, but was suppressed. Some copies of it were, however, preserved; and Sir Robert Douglas has said that his brother Sir William had seen one of those vindications, and that also several old gentlemen in Perthshire had owned that they had seen it." On this subject it shall only further be noticed that among the correspondence of the indefatigable George Paton, one of the profoundest and most meritorious of our Scottish collectors (a pretty large portion of which has fortunately been recovered and preserved by the Faculty of Advocates, Edinburgh), a letter occurs addressed by Mr. Paton to the eminent antiquary, Richard Gough, Esquire, May 27, 1782, from which the following passage is extracted:—"Did you ever see the counterpart or answer to King James's account of Earl Gowrie's Conspiracy, or that published by authority? The answer, I am assured, was printed, but suppress, altho' a copy or so may be preserved, which, if discovered, might throw some light on that dark passage of our Scots history.—*Pitcairn's Criminal Trials*, vol. ii. pp. 209, 210.

be correctly determined. The likelihood however is, that, besides 'detracting' the king and his 'maist nobill progenitouris,' and publicly branding the king as the 'Son of Seniour Davie,' [a popular soubriquet for his 'sacred Majesty'], those offensive squibs had contained matter relative to the recent conspiracy of the Earl of Gowrie.'[1] I have not the least doubt that the real cause of the careful suppression of these 'pasquils,' which the Lord Advocate would not 'insert in process,' was that they alluded to what was considered by many well informed contemporaries the true cause of the murder of Alexander Ruthven. The inference from the allusions in Abbot's narrative of Sprot's execution to some of the crimes imputed by their enemies to the early Christians is that even at that time imputations on the character of King James had been made similar to those mentioned in the despatches of Count Tillieres the French ambassador at his court some twenty years later.

Sprot having been hanged, the Privy Council of Scotland had now time to produce the letters which were to prove that the Gowrie Conspiracy was a reality, and not a fable invented by King James. It is of importance to observe that the Lord Advocate was totally silent as to how or whence the letters came into his possession. He did not drop a hint, not merely that they came out of the proper custody, but even that they were discovered in the repositories either of Sprot, Bour, or Logan. All that he did was to call certain witnesses—all selected by the Earl of Dunbar—to depose that they were well acquainted with Logan's hand-writing, and could discover no appearance of forgery. And, strange as it may appear, this has

[1] Pitcairn, ii. 332, 333.

satisfied historians of reputation of the authenticity of the letters. 'The letters,' says Dr. Robertson, 'were compared by the Privy Council with papers of Logan's handwriting, and the resemblance was manifest. Persons of undoubted credit, and well qualified to judge of the matter, examined them, and swore to their authenticity.'[1] And Sir Walter Scott says: 'Yet some persons continued to think that what Sprot told was untrue, and that the letters were forgeries; but it seems great incredulity to doubt the truth of a confession which brought to the gallows the man who made it; and, of late years, the letters produced by Sprot' [Sprot *produced no* letters, as has been shown] 'are regarded as genuine by the best judges of these matters.'[2]

But the matter is not one that can be settled in this summary manner. There are the depositions to the authenticity of the letters of Sir John Arnot, Provost of Edinburgh and of several other persons, three of them clergymen. We find among the records of the Scottish Parliament in 1609 an act[3] confirming to Arnot a purchase of lands from Logan, notwithstanding the previous forfeiture of those lands by Logan's alleged treason. This has, perhaps, rather a suspicious appearance. But even if it has not, and if we assume these depositions to have been made in perfect good faith, there is no fact better ascertained than that hand-writing may be imitated so completely that those most familiar with it, nay even the very person by whose hand it professes to be written,

[1] Robertson's History of Scotland, vol. ii. p. 209: London, 1825.

[2] Sir Walter Scott's History of Scotland, vol. i. pp. 337, 338: Edinburgh, 1846.

[3] 1609, c. 37. Folio edition of the Acts of the Parliament of Scotland, 1816.

could not detect the fraud. And even if these alleged letters of Logan's were found to be written upon paper bearing a water-mark of the year 1600, I should not hold that to be by any means conclusive evidence of authenticity. When a king undertakes a business of this kind, he gets up the whole affair 'regardless of expense.' There would be no great difficulty in such a case in having paper made on purpose.[1]

Before proceeding to an examination of the letters I may add here that the evidence of the witnesses above mentioned having satisfied the Privy Council, Logan's bones were dug up and tried for high treason, and by a sentence which Dr. Robertson characterises as 'equally odious and illegal' his lands were forfeited and his posterity declared infamous. Dr. Robertson, in a note,[2] quotes the words of a Scotch act passed in 1542 to restrict the Crown in the exercise of the power granted by the adoption in 1540 of the later Roman law of trying a man's bones after his death; and he says that the sentence against Logan was a positive violation of this statute in two important particulars.

In regard to one of these particulars, however, Dr. Robertson appears to be in error, in assuming that Logan had been dead more than five years, the time limited by the statute 1542, cap. 13; for Logan died in July 1606.

[1] I have ascertained, by the kindness of a friend in Edinburgh, who at my request examined Logan's alleged letters in the Register Office, that there is no water-mark on the paper.

[2] History of Scotland, vol. ii. pp. 259, 260, note, 4th edition, London, 1761. The barbarous and disgusting mummery of presenting at the bar of the court the corpse or bones of the accused was a pretended compliance with the maxim that no person can be tried in his absence; and it was one of the most absurd and impudent of the many legal fictions contrived by lawyers, in their pretended zeal for the forms of justice, when they are utterly disregarding the substance.

In regard to the other particular, the words of the statute are 'against the heir of them that *notourlie* commit treason, it being *notourlie known in their time*.'[1] Now Logan was certainly not *notourlie known* during his life to be an accomplice in the alleged crime for which he was tried. This is another example added to those already given of the administration of justice at this time in Scotland.

In the year 1713 George earl of Cromarty published what he calls a 'Historical Account of the Conspiracy by the Earl of Gowrie and Robert Logan of Restalrig against James the Sixth,' in which he has given from the public records extracts from the depositions of the witnesses, and professes to give in full the letters which were alleged to have been in the custody of Sprot. Lord Hailes observes that of the inaccuracy of Lord Cromarty he has observed many instances.[2] When I first read the letters in Lord Cromarty's book, my impression was that they bore all the internal marks of a forgery, and a clumsy one. In 1833 Mr. Pitcairn published his 'Criminal Trials in Scotland,' the second volume of which contains a very full and valuable collection of documents, many of them from MS. sources, relating to the alleged Gowrie conspiracy. Mr. Pitcairn is of opinion that 'having been so fortunate as to recover the original autograph letters of Robert Logan of Restalrig amongst the "Warrants" of the Parliament and of the Privy Council of Scotland,'[3] he has put the matter beyond further controversy. And he appears to have removed all doubt from the minds of two

[1] Act of the Scottish parliament, A.D. 1542, c. 18.
[2] Annals of Scotland, iii. 377, note.
[3] Pitcairn, ii. 146.

writers at least, the late Lord Dover[1] and the late Mr. Patrick Fraser Tytler.[2]

These writers as well as Mr. Pitcairn appear to ground their conclusions chiefly upon the supposed ascertained authenticity of Logan's handwriting. Now it is an admitted fact that so difficult is it to be perfectly certain about the identity of handwriting that the most skilful and experienced London bankers' clerks are not unfrequently mistaken. In the remarkable case of *Smyth* v. *Smyth and others* tried at the Gloucester Assizes in August 1853, Mr. Justice Coleridge said: 'The identity of handwriting is very much a matter of opinion, and anybody might be deceived in a matter of evidence like that.' And in the recent extraordinary case of *Roupell and another* v. *Haws and others*, tried at the Chelmsford assizes in July 1863, the jury could not agree whether a certain signature was genuine or forged; some of them thinking that it was genuine, others that it was not; and the conflicting evidence of the numerous witnesses tended to confirm the above cited observation of Mr. Justice Coleridge, that 'the identity of handwriting is very much a matter of opinion.'

It is indeed a rule of English law that evidence of handwriting based on the comparison between the handwriting of a party to a document and other documents proved or assumed to be his handwriting, as well as evidence of handwriting by knowledge acquired from specimens, is not receivable.[3] Among the cases collected by Mr. Best, there are two which strikingly show the deceptive nature

[1] Dissertation on the Gowrie Conspiracy, by the Right Hon. Lord Dover: London, 1833.

[2] History of Scotland, vol. vii.

[3] See Best on Presumptions of Law and Fact, p. 221, *et seq.* and the cases there collected: London, 1844.

of this kind of evidence. The first is related by Lord Eldon.[1] A deed was produced at a trial, purporting to be attested by two witnesses, one of whom was Lord Eldon. The genuineness of the document was strongly attacked; but the solicitor for the party setting it up, who was a most respectable man, had every confidence in the attesting witnesses, and had in particular compared the signature of Lord Eldon to the document with that of several pleadings signed by him. Lord Eldon had never attested a deed in his life! The other case occurred in Scotland, where, on a trial for forgery of some bank notes, one of the banker's clerks, whose name was on a forged note, swore distinctly that it was his signature, while to another, which was really his, he spoke with hesitation.[2] 'Standing alone,' adds Mr. Best, 'any of the modes of proof of handwriting by resemblance are worth little—in a criminal case nothing.'[3]

There may be facts either of a physical or moral nature about a given writing that will outweigh every other evidence whatever of its authenticity. A physical fact of this kind would be a water-mark in the paper of a date posterior to the date of the writing. But even this circumstance may be fallacious. 'Perhaps no single circumstance,' says Mr. Wills, 'has been so often considered as certain and unequivocal in its effect as the anno domini water-mark usually contained in the fabric of writing-paper; and in many instances it has led to the exposure of fraud in the propounding of forged as genuine instru-

[1] In the case of Engleton *v.* Kingston, 8 Ves. jun. 476.

[2] Burnett's Commentaries on the Criminal Law of Scotland, 502, *Case of Carsewell*, Glasgow, 1791, cited in Best on Presumptions of Law and Fact, p. 233, London, 1844; and in Wills on Circumstantial Evidence, p. 112, 3rd edition, London, 1850.

[3] Best on Presumptions of Law and Fact, p. 233.

ments. But it is beyond any doubt (and several instances of the kind have recently occured) that issues of paper have taken place bearing the water-mark of the year succeeding that of its distribution.'[1]

There is, however, as I have said, no water-mark in the paper on which these letters are written. It may, however, be possible to produce a moral fact that shall be of almost if not altogether equivalent force. Let it also be kept in mind that the age of James I. was an age in which the art of forging handwriting, as well as the art of poisoning, was a trade or business which was studied, learnt, and practised as one of the useful arts.

Mr. Pitcairn has given a facsimilie of a portion of Logan's letters, which fully bears out his remark that they 'are written in a very difficult hand.'[2] It is indeed a piece of penmanship to which any one attempting to decipher it might apply Tony Lumpkin's words, 'a damned up and down hand, as if it was disguised in liquor, a damned cramp piece of penmanship as ever I saw in my life.' The apparent difficulty of imitating such a hand would be undoubtedly on a first view of the matter an argument in favour of the authenticity of the imitation. This apparent difficulty might also suggest the supposition that Sprot, being a dexterous forger of writings, may have been himself the forger of these Logan letters. In regard to such a supposition Mr. Mark Napier, who thinks, as it appears to me with reason, that there is strong proof against that supposition as to the other four letters, says, with reference to that

[1] Wills's Essay on the Principles of Circumstantial Evidence, p. 29, 3rd edition: London, 1850.

[2] Pitcairn, ii. 282.

one letter professed to be set forth in the indictment, 'it is more than probable that having been led by torture, and by some other inducements behind the scenes, to tell a false story, and to invent the scrap of a letter, he had, when pressed, also falsely said that it existed in his repositories. But this certainly may be deemed impossible, that, supposing him to have actually forged for the specific purpose those five Logan letters, he would have only used them to the extent of a general and very imperfect narrative, and the admission of one only of a set of forgeries which he had so painfully fabricated for the very purpose of this disclosure. The conclusion is inevitable.'[1]

These letters are, as has been said, five in number, and are all professedly written by Logan. The second letter is 'to Laird Bower,'[2] an alleged confidential servant of Logan, which 'Laird Bower' was so illiterate that he could not read,[3] a strange person to write a treasonable letter to. The fourth and longest letter is 'to the Earl of Gowrie.'[4] The first, third, and fifth letters are 'to . . . .' and all commence with the words 'Right Honorable Sir.' Now, if we take the proportion of letters to this 'Right Honorable' Blank, as a measure of the proportion of weight which he represented in the alleged conspiracy, we find that he bore to the Earl of Gowrie the proportion of three to one, and to Alexander Ruthven, the Earl of Gowrie's brother, the proportion of three to nothing. It appears from this that the king and his ministers in 1608 had altogether departed from the course of proceeding

[1] Spottiswood's History, vol. iii. p. 587, note. [2] Pitcairn, ii. 283.
[3] This is stated in the indictment of Sprot, Pitcairn, ii. 257.
[4] Pitcairn, ii. 284.

they had adopted in 1600, which was to allege that Gowrie was too cautious to have any accomplices in his alleged designs. Finding that their former device had obtained no credit, they now sought for some other device to make the 'story hang more handsomely together;' and from representing Gowrie as a person of the greatest caution, rush to the opposite extreme of representing him as so utterly rash and reckless as to put his life and fortune in the absolute power of a drunken debauchee by a compact which was to deprive him at once of his valuable estate of Dirleton. And how came it to pass that this 'right honourable' phantom, who was the head and front of the alleged conspiracy, according to the 'Logan letters' hypothesis of a conspiracy, should altogether vanish, while the royal wrath is wreaked and poured forth to the dregs on the house of Gowrie? How happened it that no traces exist not merely of the right honourable phantom itself, but of any the least efforts on the part of the king and his ministers in Scotland to discover and bring it to justice? This question I cannot answer, but I think that Mr. Thomas Hamilton, who as Lord Advocate had been active in this business in 1600, and was now again active in it in 1608, as 'Sir Thomas Hamilton of Binnie, knight, Advocate to our sovereign lord,'[1] could have answered it, if he had been so minded, very satisfactorily.

The writer of these letters never names any conspirator but the Earl of Gowrie and 'M. A. R.' [Mr. Alexander

[1] This Sir Thomas Hamilton was afterwards created Lord Binning and Earl of Melrose. After the death of Ramsay, Viscount Haddington, Sir Thomas Hamilton was created Earl of Haddington. By the patent creating him Earl of Haddington his title of Earl of Melrose was suppressed.—*Douglas's Peerage of Scotland*, title Haddington.

Ruthven], sometimes 'M. A. his lo. brother,' and in letter four to the Earl of Gowrie 'M. A. your lo. brother.' In the letter to the Earl of Gowrie he names his brother in this way three times, twice in the letter and once in the postscript, as if he were writing a treatise in the style of King James himself. For this is not the style of a letter at all. Would any man, though the veriest pedant that ever lived, who was engaged with another man in a business of importance, where secrecy was essential, instead of using a cipher [1]—as was the usual course in that age to denote all names of importance, including all proper names—have alluded to that other man's brother as 'M. A. your lo. brother?' As Gowrie's brains were unquestionably above the brains of a rabbit, he could never have formed the imagination of such a trick of letter-writing as this in the practice of the science or art of conspiracy. And unless Logan's head, like his hand, was thoroughly disguised in liquor, he could never have perpetrated such an amount of folly. Why also should the writer be so free of the names of the Earl of Gowrie and his brother Alexander to his 'right honourable' phantom correspondent, and in the letter to Gowrie designate no one by name, but indicate the right honourable phantom only by these words 'the gentleman your lordship kennis' [knows]? Observe the scheme, too, for accounting for there being no letters of the Ruthvens, and for the letters of Logan to his correspondents being all found, or alleged to be found, in the custody of those who had been connected with Logan—'Always, my

[1] For instance, Robert Lord Spencer, writing to his wife, a daughter of the Earl of Leicester, from the royal camp at Shrewsbury, Sept. 21, 1641, uses ciphers for all proper names, as well as such words as king and papists: 83 (king) and 243 (papists).—*Sidney Papers*, vol: ii. pp. 667, 668.

lord, when your lordship has read my letter, deliver it to the bearer again, that I may see it burnt with my own eyes; as I have sent your lordship's letter to your lordship again'[1]—as if (assuming that the letter to the Earl of Gowrie had been written and sent and delivered) Gowrie would have given it back to be in the power, and so to place himself in the power, of such a man as Logan. This circumstance would alone be sufficient to shake the credibility of the whole story.

Why, also, were no letters of the Ruthvens produced? If there ever had been any letters at all, men with the unscrupulous craft attributed to Logan and Sprot would have been far more likely to preserve in their custody the letters of Gowrie and his brother to Logan, than Logan's letters to Gowrie. Another hypothesis may be, that these alleged letters were written by Logan but never sent. And on that supposition any man may be subjected to the charge of treason or any other crime by any other man writing, but not sending letters to him, who, never receiving the letters, has no means of vindicating himself from the charges which the letters imply. Bentham takes a still stronger case—the case namely where the letters so written are sent and found in the possession of the party to whom they profess to be addressed. According to Bentham's opinion, 'taken by itself, so weak is the criminative force of written evidence, the tendency of which is to fix the imputation of the offence in question on the individual in whose possession it happens to be found, that it is scarce susceptible of being rendered weaker by any infirmative facts. For a mass of written evidence possesses a means peculiar to itself, for being

[1] Pitcairn, ii. 285, 286.

introduced into a man's possession without his consent or privity. It may thus remain in his possession for any length of time without his knowledge.' Bentham then uses an illustration which precisely applies to these Logan letters:—'On such an occasion' (naming it) 'my dear friend, you failed in your enterprise;' an enterprise (describing it by allusion) of murder, treason, 'on such a day do so and so, and you will succeed.' 'In this way,' adds Bentham 'it is in the power of any one man to make circumstantial evidence of criminality in any shape against any other.'[1]

The allusions in the letters to a story about a nobleman of Padua, a story pretended to have been told by Alexander Ruthven to Logan, whom Alexander Ruthven had most probably never seen, much less spoken to in the course of his short life of nineteen years, and referred to in three letters out of the five, savours much more of the royal pedant and royal 'prentice in the divine Art of Poesy,' than of a person of Logan's education and habits. It was probably some story told by poor Alexander Ruthven, who had been educated partly at Padua, to James himself, and inserted in these letters to give them an air of probability.

The reason assigned in the letters for the alleged 'conspiracy,' revenge of their father's death,[2] was before put forth in the 'Discourse,' and has been already answered.

All this, however, does not amount to conclusive evidence, to positive proof of the forgery of these letters. But the proof that Logan's alleged letters are forgeries is

[1] Bentham's Rationale of Judicial Evidence, vol. iii. pp. 43, 44.
[2] Pitcairn, ii. 287.

this. In the letter to the Earl of Gowrie are the following words: 'Yit alwayse my lo. I beseik your lo. boyth for the saiftie of your honowr, credit, and mair nor that, yowr lyf, my lyf, and the lyfis of mony otheris qha may perhapis innocently smart for that turne eftirwartis, in case it be reveilled be ony; and lykwayse, the utter wraking of owr landis and howsis, and EXTIRPATING OF OWR NAMES.'[1]

Now the abolition of a surname as a consequence of treason, referred to in the concluding words of the passage above quoted, was a thing not only unusual, but new and *unprecedented* in *July* 1600, when the letter above quoted was *alleged* to have been written. It was introduced in *November* 1600 by special parliamentary enactment in the case of the Earl of Gowrie and his brother. I think, therefore, that it would certainly not be mentioned in a letter written in *July* 1600 as a *necessary consequence* of treason. But the recurrence of such a proceeding in 1603, in the case of the Clan Gregor,[2] would make the mind of a person, particularly a *lawyer* (and there is little doubt that the forgery was the work of a lawyer, probably of the Lord Advocate himself) writing such letters in 1608 familiar with it, and thus also make him forget that it was *not a matter of course*, and even forget that in *July* 1600 it was *unprecedented*. And, indeed, it takes a vast deal of ingenuity—it might be more correct to say

[1] Pitcairn's Criminal Trials, vol. ii. p. 284.

[2] The name of Gregor or Macgregor was abolished by an ordinance of the king and his privy council of April 3, 1603, though the act of the Scottish parliament in that case was not passed till 1617. The 'Act anent the Clan Gregor,' which in the folio edition of the Scottish Statutes is printed as No. or Cap. 26 of the parliament of 1617, and is the act abolishing the name of Gregor or Macgregor, recites the ordinance of the king and privy council of April 3, 1603.

it is beyond the reach of the human capacity [1]—to make a long and complicated lie perfectly coherent, consistent, and like truth. The forger of this letter had his head, of

[1] 'The critical examination of the internal contents of written instruments, perhaps of all others, affords the most satisfactory means of disproving their genuineness and authenticity. It is scarcely possible that a forger, however artful in the execution of his design, should be able to frame a spurious composition without betraying its fraudulent origin by some statement or allusion not in harmony with the known character, opinions, and feelings of the pretended writer, or with events or circumstances which must have been known to him, or by a reference to facts or modes of thought characteristic of a later or a different age from that to which the writing relates. Judicial history presents innumerable examples in illustration of the soundness of these principles of judgment.'—*Wills on Circumstantial Evidence,* pp. 114, 115, 3rd edition, London, 1850. The observation of Mr. Justice Coleridge, supported by a concurrence of judicial authorities, 'that the identity of handwriting is very much a matter of opinion,' and the conclusion drawn as above stated from the records of judicial proceedings, appear to apply to the Letters of Junius as well as to the so-called Letters of Logan. Whatever may be objected to the Letters of Junius, they exhibit more knowledge both of law and politics, as well as more intimate and familiar acquaintance with the habits of the highest class of English society at that time, than Francis possessed. Francis may have been employed to copy some of the letters signed 'Junius,' and he may himself have been the author of the letters under other signatures about the squabbles among the War Office clerks, which Junius would hardly have condescended to enter into; for the lofty and independent tone of Junius reminds one somewhat of the Pitt character; of what Lord Macaulay has styled 'the fierce haughtiness of the first Pitt,' and 'the cold unbending arrogance of the second.' Several of the letters of Junius appear to have been written by a man who had received the education of a lawyer, and also to have had much practical experience and considerable power as a politician; neither of which conditions would apply to Francis. George Grenville had been bred a lawyer, and like the second Pitt and others was one of the lawyers who became prime ministers. And if, as Lord Macaulay says, his speeches, though instructive and even impressive from their earnestness, were never brilliant, it is an often observed fact that such a speaker might be a most impressive writer. Moreover George Grenville was turned out of his office as prime minister by the king for leaving the name of the Princess Dowager out of his Regency Bill. This would account for a hostile feeling towards the king and the Princess Dowager. But George Grenville died Nov. 13, 1770, and therefore could not have written any of the later of the Junius letters. George III., however, after the most searching inquiries, was convinced that the letters were not the work of one person. Did George Grenville's elder brother Earl Temple, or his younger brother James Grenville, write any of them?

course, full of the Gowrie business, and he thought that because the extirpation of name was specially connected with that case, such a circumstantial reference in the letter he was forging would specially connect that letter with that case. It does specially connect the letter and the case, but in a way the letter-forger did not contemplate, overlooking, in his eagerness to establish his own point, that which was the legitimate and inevitable conclusion from the very circumstance which he imagined would drive home the treacherous and poisoned weapon he was fabricating.

Bentham, in that portion of his work on 'Judicial Evidence' which is devoted to the subject of the 'authentication of evidence,' has a chapter on the 'modes of deauthentication—sources from which a persuasion that the document in question is spurious or falsified may be obtained.' Among the heads of evidence of this nature specified by Bentham are two which precisely apply to this case. The two heads are these :—

'Presumption *ex custodiâ:* the party producing it—or a person through whose hands it has passed—being the person who, in case of success, would be a gainer by having fabricated or falsified it, or procured it to be fabricated or falsified, to the effect suspected.

'Presumption *ex tenore:* in the writing in question, mention (direct, or in the way of allusion, more or less oblique) made of facts of later date, i.e. of facts that did not come into existence, but at a time posterior to the date expressed on the face of the instrument.'[1]

It will be at once seen how far the case which has been

[1] Bentham's Rationale of Judicial Evidence, vol. iii. pp. 614, 616: London, 1827.

here set forth comes under these two marks of spuriousness or falsification of written evidence.

It will also appear that the foregoing pages form a most instructive commentary on that chapter of the same work, entitled, 'Of Suppression or Fabrication of Evidence, considered as affording Evidence of Delinquency.'[1]

Wishart, in his 'Memoirs of the Marquis of Montrose,'[2] mentions that in 1650 the head of the Marquis of Montrose 'was fixed upon the tolbooth of Edinburgh over against the Earl of Gowries's [his uncle's], with an iron cross over it, lest by any of his friends it should have been taken down.' After the battle of Dunbar Montrose's head was taken down by Cromwell's orders; and it may be hoped that the Earl of Gowrie's was taken down at the same time and decently buried. But as truth gradually emerges out of the darkness of barbarism and romance, it will gibbet this King James and his ministers on an eminence of infamy from which it will need a stronger even than Cromwell to take them down.

The question of the guilt or innocence of King James may, like that of the guilt or innocence of his mother, Mary, Queen of Scots, appear to some a question of small importance. But, besides the knowledge to be derived from the examination of this question, of the difficulty of getting at truth, the case of King James has more in it of a national, and not merely personal, character, than that of his mother queen Mary. For the character of this king and his court had so much to do in engendering the spirit that produced the great Puritan rebellion of the succeeding reign, that the true nature of that great insur-

[1] Bentham's Rationale of Judicial Evidence, vol. iii. p. 165.
[2] P 405: Edinburgh, 1819.

rection cannot be thoroughly understood without at least some knowledge of the character of King James and his court. Having examined the whole of the evidence bearing on the affair which King James called the Gowrie Conspiracy; having carefully perused the depositions of the witnesses, the letters alleged to have been written by Logan to the Ruthvens, and manifestly forged (as I have proved) seven or eight years after the event to which they refer, and all the papers relating to the matter; having most anxiously sought to arrive at the truth by a careful examination and comparison of all the various parts of which the evidence consists, in order to learn how firmly or how loosely, how coherently or how incoherently, it hangs together; I have arrived at the conclusion that the assertion of the existence of the alleged conspiracy on the part of of the two murdered boys, the Earl of Gowrie and his brother, Alexander Ruthven, is based only on a vast fabric of circumstantial falsehood, propped up by perjury, torture, forgery, and murder. Even without insisting upon any particular explanation of the mysterious part of that affair called the Gowrie Conspiracy, the mere facts which are undisputed, and present themselves in the various stages of the transaction, appear to me to convey such conclusive evidence of an unjust and oppressive government as would of itself prove the necessity of the great rebellion against the tyranny of the Stuarts, which there is abundant evidence to show they intended to exercise in England as well as in Scotland: a necessity, be it added, which this case of itself proves as existing no less for the protection of the persons and property of the nobility than of the commons.

ESSAY VI.

THE GOVERNMENT OF THE COMMMONWEALTH AND THE GOVERNMENT OF CROMWELL.

For a large portion of the materials bearing upon the dark passage of English history which forms the subject of the two essays that follow this essay—the first on the death of Prince Henry, and the second on the death of Sir Thomas Overbury, I am principally indebted to the laborious and skilful researches of Mr. Amos, the results of which he published in 1846, in a volume entitled 'The Great Oyer of Poisoning: the trial of the Earl of Somerset for the poisoning of Sir Thomas Overbury in the Tower of London, and various matters connected therewith, from contemporary MSS.' I am also indebted to the same careful and laborious writer for the acute and ingenious hypothesis respecting the true causes of the death of Sir Thomas Overbury. To state thus much was but justice to Mr. Amos, for whose legal learning and acuteness, as well as for the minute accuracy of his laborious researches, I entertain a sincere respect. It is also, however, but justice to myself to state that the idea of attempting to connect together the disjointed and scattered fragments of evidence respecting the plot, of which the death of Prince Henry was but one incident or link, and of which the death of Sir Thomas Overbury was another incident or link, is my own, and has not been

acted upon, as far as I know, by any other writer. For the purpose of carrying out this idea I have also used materials both MS. and printed which have not before been made available.

I should hardly have thought it necessary to trouble the reader with these few words respecting myself and my materials, if I had not found by experience what gross misrepresentations may be put forward by an anonymous critic respecting any book which he may have reasons of his own to desire to suppress. There are certain circumstances connected with the article referred to which appear to take it out of the class of ordinary and legitimate criticism, and to impose upon the writer attacked the disagreable duty of placing on record an answer to it. For it appears that, if a writer has the presumption to differ from this critic's conclusions respecting questions that must be determined not by the opinion of any man or any body of men, but by evidence, he is to be put down by an elaborate attack, evidently written by a practised writer, and published a month after the publication of the book it attacked, in order that other critics might take their tone from this critic who writes as one having authority, and as if perorating from a professor's chair.

As the critic referred to not only charges me with making false pretensions to the use of new materials in my 'History of the Commonwealth of England,' but also propounds principles of historical criticism which appear to me thoroughly unsound, it may be worth while to give a distinct answer both to his charges and to his criticism.

I. With regard to Mr. Godwin's 'History of the Commonwealth,' as I had found in it neither new

materials nor new ideas, I thought it needless to make any reference to it; but as this critic has dragged it forward, I will show how far the claim he sets up for it is from being valid.

In the course of the 480 pages of his third volume, in which Mr. Godwin deals with the period forming the subject of my two volumes, he has in all thirty references to the MS. Order Books of the Council of State—forty volumes of which—thin volumes with parchment covers[1] —constitute the bulk of the new materials which I have used in my 'History of the Commonwealth of England.' Of these references very few contain, in my judgment, anything either of importance or of interest. There is one of these insulated references indeed which at first sight might seem to establish an important fact, but which on being closely examined is found to be quite inaccurate. It is the announcement of '200*l.* assigned to Mr. Scot quarterly, to be expended on secret service'—Godwin, vol. iii. p. 190—and the reference is to Order Book July 9, 1649. On referring to the MS. Order Books in the State Paper Office under date July 9, 1649, I find this minute:—'That Mr. Scot shall have 200*l.* paid him quarterly, for his payment in managing the business of intelligence committed to his care, to begin from midsummer last, and that he have

[1] These are the original rough Draft Order Books, written at the Council table of the Council of State, at the time when the minutes were made and passed by the Council. There are also in the State Paper Office fair copies of these Draft Order Books, which being in larger and thicker books, form a much smaller number of volumes. Some volumes of these fair copies being lost, I generally made use of the volumes containing the original rough drafts, which, as distinguished from the fair copies, may be called the Draft Order Books. On the parchment covers of some of these are written the words 'Foule Order Book,' meaning the original rough Draught Order Book.

200*l.* presently and advanced; and he be also furnished with such sums as shall be necessary for carrying on the work of intelligence.' It will be seen at once, on comparing Mr. Godwin's words with the words of the minute, that Mr. Godwin has not stated the substance of the minute with even any degree of accuracy. Scot was to have 200*l.* quarterly for his *salary* for managing the business of intelligence; and such sums in *addition* as should be necessary for carrying on the work of intelligence.

There is no evidence in Mr. Godwin's book that he had made such use of the Order Books of the Council of State as this critic assumes for him. On the contrary there is conclusive evidence in the following facts that Mr .Godwin had not read the Order Books: 1st. Mr. Godwin has repeated without contradiction Roger Coke's assertion that the Long Parliament 'never pressed any in all their wars,' the disproof of which, contained in many of the minutes, must have struck the most careless reader of the Order Books. 2nd. Mr. Godwin has taken no notice of the projected invasion from the continent by an army under the command of the Duke of Lorraine, before the battle of Worcester, which is repeatedly mentioned in the MS. minutes of the Order Books of the Council of State. 3rd. Mr. Godwin has taken no notice whatever of the energetic proceedings of the Council of State for several months before the battle of Worcester, both against the invasion of the Scots and against the projected invasion from the continent. No writer has any right to take credit for the use of new materials of great extent on the strength of a few isolated references, and without having thoroughly examined those new materials; and

no writer of average intelligence could have read the Order Books of the Council of State without being forcibly impressed by the important facts above mentioned. As Mr. Godwin was a writer of more than average intelligence, the necessary conclusion is that he had not read the Order Books of the Council of State.

Such being the simple facts of this case as regards the use of new or unused materials, that this critic should have made such an assertion as this—'Here, then, is an end at once to the ground on which Mr. Bisset especially calls for attention to his volumes: he has been working, not on materials unknown to every preceding writer, but on those which a historian of the same period employed forty years ago'—is, to borrow the words which he applies to me, but which recoil upon himself, 'not very creditable.' Nor is this a solitary manifestation of the spirit which animates his effusion. It may be stated, as another illustration of his mode of proceeding, that he has carefully made provision for meeting the objection above disposed of by the following sentence: 'In several cases Mr. Bisset has given his materials in a more detailed form than Mr. Godwin had done, and in a few cases he has supplied us with facts of interest which had been passed over or overlooked by that writer.' The reader of this artfully constructed sentence who was unacquainted with the facts, would naturally suppose that Mr. Godwin had actually made extensive use of the materials which form the groundwork of my volumes. Whereas the reader of Mr. Godwin would really find it difficult to discover that Mr. Godwin had ever looked into the Order Books of the Council of State; and, as I have shown in the case of the appointment of Mr. Scot

to the management of 'the business of intelligence,' it would be unsafe to trust to Mr. Godwin's report of the purport and meaning of the Order Books.

II. The critic then proceeds to make some remarks on the 'principles of evidence,' and the 'critical' and 'uncritical use of historical materials,' informing us that new materials are of no avail unless what he calls 'a critical use' be made of them; and he does me the honour to say that I have made a 'thoroughly uncritical use of all my materials.'

As this critic appears to consider himself thoroughly acquainted with 'the principles of evidence' and a master of the art of what he calls 'strict historical criticism,' which he informs us 'was but little employed or appreciated' till the present age which has produced this critic, it may be not uninstructive to attempt to discover what he means by 'principles of evidence' and 'strict historical criticism.'

According to this critic, not only are all the contemporary memoirs that are in the least adverse to Cromwell to be regarded as 'the idle gossip and jaundiced outpourings of disappointed men,' but he describes 'Whitelock's Memorials' as 'the memoranda of Whitelock interspersed through that bookseller's compilation which goes by the name of his "Memorials."'

This must appear a strange description to anyone who has ever even once looked into the book entitled 'Whitelock's Memorials.' A compilation is usually understood to mean—and is defined by Johnson—a collection from various authors. The first edition of Whitelock's Memorials was published in 1682 by Arthur earl of Anglesea, who took considerable liberties with the MS.

The second edition, containing the passages which were struck out by the Earl of Anglesea, was published in 1732. This treatment of Whitelock's MS. does not correspond in any degree with this critic's description of it as 'the memoranda of Whitelock interspersed through that bookseller's compilation which goes by the general name of his "Memorials;"' a description so extraordinary as almost to rival the performances of a late eminent English advocate, who has thus been characterised in a legal publication: 'No advocate had a greater command over facts. His statement of his client's case, and even his reading from the evidence in the cause, would enchain the attention, and often extort the admiration and astonishment of his adversaries and the Court—as if it were a romance; and his references to facts and to authorities were generally more closely followed than his arguments on legal principles, though these were frequently novel in the highest degree.'

But suppose that this critic's proposition were to be admitted in its widest terms; suppose that not only memoirs, but histories, although contemporary, are little better than fables; that the history of a nation is written in its laws, its literature, its commerce, in the records of the proceedings of its parliaments and of its courts of justice, in the dispatches of its statesmen, in the minute books of its Councils of State, in the character, the manners, and the customs of its people; that its history is no more to be read in the memorials of a Whitelock, or in the history of a Clarendon or a Burnet, than the history of the human race is to be read in the history of Tom Thumb and Jack the Giant-killer; and that there comes a time in the life of a nation when men will no longer be satisfied with fables, with narratives not only not true but absolutely impossible

upon the face of them, with reports for instance of conversations between two men who were alone and who were both killed immediately after.[1]

Supposing all this, and sweeping away all the delusions of contemporary histories and contemporary memoirs, one is curious to see what this critic who writes as the anonymous representative of 'strict historical criticism,' which he says was unknown a few years ago, would propose as the substitute for lying memoirs and histories, as the master-key to open the gates of historical truth. The master-key to the history of that time is, according to this critic, Mr. Carlyle's collection of Cromwell's letters. This is strange, that after so much talk about the advance made of late years by 'strict historical criticism,' this critic's 'historical criticism' should appear to be in precisely the condition in which historical criticism was very nearly two centuries ago. Sir William Temple, on the supposition that the letters of Phalaris, which Bentley proved to be forgeries, were genuine, affirmed that those letters proved Phalaris to possess 'every excellence of a statesman, soldier, wit, and scholar.' Those letters, if for the sake of argument we assume them to have been genuine, might also have been affirmed to have proved Phalaris to have been a highly 'moral man,' for they contain highly moral sentences. Now observe the conclusion to which we are dragged by such 'strict historical criticism' as this. On the one side we should have the words of Phalaris; on the other his deeds. Have any of them come down to us to support Temple's conclusions drawn from the letters he assumed to have been written by him? All that is

[1] See the preceding essay, in which it is shown that such a conversation is recorded as history by Johnston.

known of Phalaris is that he was infamous for his cruelty, and in particular for the device which he owed to Perillus, of burning the victims of his tyranny in a bull of bronze, in order that he might enjoy the pleasure of hearing their cries; that he ate human flesh, and even fed upon his own son; that his insane cruelty led to his deposition, when the mob rose against him and practised upon him the same cruelty to which he had often subjected others. It is certainly not usual for men possessing every excellence of statesmen and soldiers to be deposed in this manner. And what a strange process of reasoning it were to conclude from any letters of his, however genuine—and they could not be more genuine than the authorities by which the above statements are supported—that such a man could possess 'every excellence of a statesman.'

The authorities for these statements as to the deeds of Phalaris, which his advocate, on the supposition that his letters were genuine, would have had to overthrow are Cicero, Aristotle, and some passages quoted by Bentley, the extent and accuracy of whose learning have probably never been equalled. Cicero, and Aristotle could hardly have been disposed of as our critic's client—the white-washer of Cromwell and blackener of everybody who did not grovel before Cromwell when living and eulogise him when dead—disposes of Ludlow, Mrs. Hutchinson, and Whitelock. Aristotle and Cicero—though really not more, but less credible, witnesses as to the character of Phalaris, than Ludlow and Whitelock as to that of Cromwell—being writers of great name, could not be put down, in a summary way, by the charge of stupidity or 'woodenheadedness,' and the 'field swept clear of them for prolonging the echoes of the old tittle-tattle and invectives'

against a certain amiable old gentleman named Phalaris, whose 'sincerity has come out unimpeached and stainless from the crucial test of the collection and juxtaposition of his letters;' and who, even if he should be admitted to have been eccentric in some of his tastes, 'certainly was no such man' as 'the miserable gossip' of these wooden-headed writers would represent him. Now such phrases as 'tittle-tattle' and 'miserable gossip' may tell against Ludlow and Whitelock, but they fall harmless when used against Aristotle and Cicero. Such is the tyranny even of a name.

It is but justice, however, to this critic to say that he adopts a somewhat different tone from that of his client, though the spirit of his effusion is the same. He even assumes a tone of candour, and professes to regret 'that some advocates of Cromwell have indulged in this indiscriminate and unphilosophic mode of speaking of his various opponents.' It was hardly necessary to go so far as 'philosophy,' whatever the critic may mean by that. It was enough to remember, what hardly needed Hobbes's authority to recommend it, that to a public writing there belong good manners. There are many persons whose capacity to pass Bishop Berkeley's *Pons Asinorum* in philosophy might be matter of grave doubt, who nevertheless might hope, by due care, to attain to a decent proficiency in good manners, and in some other things. Some of these other things prescribe a somewhat different kind of 'command over facts' from that exhibited by that great man, the eminent advocate above referred to, and by the critic whose zeal for his client has led him to exhibit a similar 'command over facts.'

For the purpose of throwing further light upon this

critic's 'principles of evidence,' and the doctrine involved in them that 'the sincerity of Cromwell has come out unimpeached and stainless from the crucial test of the collection and juxtaposition of his letters, written to so many people and under such varying circumstances,' I will cite the opinion of Samuel Johnson on the question, how far a man's letters can be considered as exhibiting a true view of his character. Johnson is speaking of Pope, but he extends his remarks to men in general. 'Of his social qualities,' says Johnson, 'if an estimate be made from his letters, an opinion too favourable cannot easily be formed; they exhibit a perpetual and unclouded effulgence of general benevolence and particular fondness. There is nothing but liberality, gratitude, constancy, and tenderness. It has been so long said as to be commonly believed that the true characters of men may be found in their letters, and that he who writes to his friend lays his heart open before him. But the truth is, that such were the simple friendships of the Golden Age, and are now the friendships only of children. Very few can boast of hearts which they dare lay open to themselves, and of which, by whatever accident exposed, they do not shun a distinct and continued view; and certainly what we hide from ourselves we do not show to our friends. There is, indeed, no transaction which offers stronger temptation to fallacy and sophistication than epistolary intercourse.'[1]

Those cases in which letters let us into the characters of men—as the letters between Laud and Strafford, which furnish proof of the designs of the writers against the English Constitution, and also of their pride, cruelty, and

[1] Johnson's Life of Pope, in his Lives of the Poets, vol. iii. pp. 156, 157, London, 1821.

insolence, are exceptional—at least form a totally distinct class of letters, the characteristic of which is that they contain admissions and disclosures against the writers. But Cromwell's letters contain no such disclosures; and the protestations of virtue and disinterestedness which they contain must be taken as worth no more than the effulgence of general benevolence in the letters of Pope, which was worth extremely little.

In regard to speeches, if the true characters of men are not to be found in their letters, still less are they to be found in their speeches. If Oliver Cromwell is to be set down as a thoroughly sincere and honourable man on the strength of his speeches, surely the Emperor Tiberius, who could make such a speech as Tacitus has given in the thirty-eighth chapter of the fourth book of his 'Annals' —a speech glowing with an unclouded effulgence of general benevolence—must be reckoned a man of extraordinary virtue. Now while Tacitus gives this speech, he also gives some particulars—and Suetonius gives more—which I fear might not quite meet with the approbation of this new school of historical criticism. I fear that if they should undertake to promote Tiberius to the rank of one of their heroes, they would have to treat Tacitus and Suetonius with as little ceremony as they treat Ludlow, Mrs. Hutchinson, and Whitelock.

I have already given one example of this critic's 'command over facts' in his description of 'Whitelock's Memorials.' Another is his statement that he had made the astonishing discovery 'of the fact, that forty years ago Mr. Godwin professedly based those chapters in his "History of the Commonwealth," which cover the period occupied by Mr. Bisset's volumes, on those very papers;' this discovery amounting to no more than this, that Mr.

Godwin *says* so in his preface, whereas, as I have shown, his book proves that he had read very little of those papers, and that even that little he has not reported accurately. And yet on this ground—the ground, namely, of having read Mr. Godwin's *preface*—he hastens, for the honourable purpose of damaging my book, to publish a criticism within a month of the publication of that book, in which criticism he pronounces, with all the pomp of judicial authority, knowledge and wisdom, that I have been 'working, not on materials unknown to every preceding writer, but on those which an historian of the same period employed forty years ago.' And this assertion he proves, not by showing that Mr. Godwin had used those materials, but by showing that Mr. Godwin has *said* that he had done so; as he proves Cromwell to be a man of integrity and sincerity, not by showing that Cromwell was so, but by referring to his letters, in which, of course, Cromwell *says* he was so. And yet this critic writes about 'the principles of evidence' as if he had thoroughly mastered them.

He charges me with 'reviving the old theory of Cromwell as a selfish and designing hypocrite;' and he also says that I 'belong to the old class of historians, who have very little other division of character than into '*bad* and *good* men, heroes or demigods, or villains;' and that I 'seem to be incapable of conceiving of a mixed character and mixed motives.' I do not know what he means by 'the old class of historians;' but I will show how far this is another instance of his astonishing 'command over facts.'

At page 219 of the second volume of my 'History of the Commonwealth' are these words:—

'In attempting to analyse the springs of action of such

a character as Cromwell's, it is difficult to avoid (and I do not pretend to be able to avoid) some apparent or even real inconsistencies. For certain points, which at times seem to be tolerably clear, again become involved in impenetrable darkness, and what seemed the clue is lost. Moreover, as regards inconsistency, may not there be inconsistency in the actual life of a man? In attempting to portray an actual life we must not condemn a part of that life which is laudable, because we know the end, which is not so. There is a time when we only see and reverence in Cromwell the Wallace, the Tell, the Washington of his country—a man full of compassion for the oppressed, and indignation against the oppressor—a time when we rejoice in his fortune, and honour his wisdom and valour. But, of all this, clouds and darkness rest upon the end. And while we honour the valour and rejoice in the fortune of the successful champion of his country's liberties, we need not, in order to make a fancy portrait apparently consistent and complete, but really untrue to nature and fact, drag forward the end, which will come soon enough, when we shall have to pass judgment on deeds which he who did them may once have believed it impossible for all the temptations of earth and hell to make him do.'

In accordance with these principles I have defended Cromwell against the charge of unnecessary severity at Drogheda and Wexford. 'It is as unfair,' I have said (vol. i. p. 126), 'to judge of the storm of Drogheda without keeping in view the inhuman massacres of 1641, as it would be to judge of the storm of Lucknow without remembering the massacre of Cawnpore.' And after quoting John Maidstone's words that Cromwell 'was

naturally compassionate towards objects in distress to an effeminate measure,' I add that 'as his compassion was great towards sufferers, so was his wrath terrible against those who had taken advantage of their helplessness; and that it was no fanatical imitation of the Hebrew at Jericho and at Ai which directed the avenging slaughters of Drogheda and Wexford, not against unarmed men but men armed to the teeth, and who even if not themselves the murderers, were the abettors of the murderers of unarmed men, and of women, and children.'

So far have I been from dividing men, as he asserts, into 'heroes or demigods and villains,' that I have taken the greatest pains to analyse Cromwell's character and to exhibit the proportions of good and evil. I have come to the conclusion that the evil in it ultimately prevailed over the good, and I adhere to that opinion, formed after long and carefully weighing the evidence.

While therefore I thoroughly agree with Mr. Carlyle in honouring Cromwell as the champion of the oppressed, and the chief instrument of the vengeance of an outraged nation, I as thoroughly dissent from him in his defence of Cromwell's expulsion of the Long Parliament and assumption of the supreme power. So far indeed do I dissent that I think (as I have said vol. ii. p. 394, note) that 'many arguments might be found in defence of Cæsar and Bonaparte, which do not apply in the least to the case of Cromwell.' Cæsar and Bonaparte might use the plea of necessity with much more weight than Cromwell could; for in his case there was no anarchy, but a government that governed far better than he did. In fact the course which Mr. Carlyle appears to have considered himself obliged to have recourse to, in defending

Cromwell, affords a proof that Cromwell was indefensible. A good cause does not need to be defended by blackening the advocate on the other side. And I have the satisfaction of knowing that some men of the highest name in literature who have done me the honour to read my history, agree with me in my estimate of the character of Cromwell. At the same time I am by no means unaware of the imperfections of my attempt to write the history of those fifty months of the government of the Commonwealth, the most heroic time of what one critic of my book has truly called 'the most heroic age of English history.' The very circumstance which at first sight might appear to give facilities will be found by those who honestly make the attempt to raise difficulties in such an undertaking. The very abundance of new materials is apt to give an appearance of discursiveness and of want of continuousness in the narrative. I do not say that a writer with Lord Macaulay's extraordinary memory might not by substituting his own words for the words of the minutes of the Council of State have made the result look more like what is commonly called—'History,' that is, a continuous narrative that might have the appearance of being the produce of inspiration, 'evolved out of the writer's own consciousness.' But then such a narrative would be open to the objection stated in a preceding page of being no more a history of England during those fifty months than the history of Tom Thumb or Jack the Giant-killer is a history of the human race. This may be offered as at least some answer to the observations of a critic already referred to as justly designating that time as 'the most heroic age of English history'—a critic who says of my work: 'He pleads the cause o

the Council of State with ample knowledge, complete materials, and rather exaggerated energy, but with the discursiveness of an advocacy which undertakes to reply to all objectors and to fight all opponents. It is, indeed, impossible to say that Mr. Bisset has written a history at all. The history of the four years and a quarter can be gathered from his book, but we look in vain for a continuous narrative.'

Sir Walter Scott says, in quoting a criticism of Captain Dalgetty by an eminent critic: 'The author is so far fortunate in having incurred his censure, that it gives his modesty a decent apology for quoting the praise, which it would have ill-befitted him to bring forward in an unmingled state.' I may perhaps be permitted to say with Sir Walter Scott that I am so far fortunate in having incurred this second critic's censure, that it gives me a decent apology for quoting the following words of his criticism, which describe with great force and truth the distinctive character of my attempt, and furnish the best answer to the critic whose 'command over facts' may well justify the words of David Hume before quoted about the great difficulty of getting at truth. 'But,' continues this second critic, after noticing some of the imperfections of my work, 'there is one thing which we definitely perceive, and that is the entirely new standpoint from which the men and the events of that period have been regarded. It is the stand-point of a member of the Council of State of the Long Parliament, who is equally opposed to Charles and to Cromwell, who feels towards the latter the enmity of public disapproval and personal affront, and who now vindicates the fair fame of the government he belonged to against the injustice

of his own times and the neglect of history.' He also says: 'The vindication of the Council of State from the charge of cowardice on the invasion of the Scots is complete; and the exposure of some of Mrs. Hutchinson's mistakes—mistakes made in the partiality of a wife writing history when her husband was an actor in it—is quite successful.'

In regard to the first-mentioned critic's remark that Mr. Forster has honourably confessed, in a more recent publication, that his 'conclusions on that point' [the character of Cromwell] 'have undergone a change, and that since perusing Mr. Carlyle's book he no longer entertains the same opinion,' I can only say that I have very carefully read Mr. Forster's 'more recent publication' referred to; and that, with the greatest respect for Mr. Forster's most valuable contributions to historical truth, more particularly his history of the Debates on the Grand Remonstrance, I have been unable to follow him in the modification of his views of the character of Cromwell. My opinion of Cromwell's character remains very much what it was.

It comes, then, to this. Cromwell, like all other men, great and small, is to be judged not by his words but by his deeds.[1] Cromwell, by his expulsion of the Long Parliament, destroyed all chance of good government in England for at least two generations. He trampled down while living—as his modern panegyrists seek to insult when dead—the statesmen who had made England 'famous and terrible over the world;' and this critic

[1] Since these words were written I observe precisely the same idea stated in almost the same words in the first leader in the *Times* of June 30, 1869, 'the essential canon of political criticism, that men must be judged rather by their acts than by their words.'

says that the 'collection and juxtaposition of his letters' form 'a crucial test'—of what?—of his sincerity—his sincerity in what? in expelling the Long Parliament and putting himself in its place. Parliaments and single rulers are but means to ends—those ends being the prosperity and happiness of the governed. If Cromwell did not advance those ends by his expulsion of the Long Parliament—and it is beyond a doubt that he did not advance them—of what use is it to talk about 'crucial tests' and 'juxtaposition of letters?' The only valid argument which Cromwell had was that the Long Parliament was incapable of carrying on the government. But the inferiority of Cromwell's government to that of the Long Parliament, which he superseded, is proved quite independently of the contemporary memoirs which this critic is pleased to characterise as 'idle gossip,' 'tittle-tattle,' and 'rubbish.'

There is a remark of Mr. Forster's, in the publication above referred to, which appears to afford a tolerably accurate measure of the value of M. Guizot's opinion of the statesmen of the Commonwealth. Mr. Forster says, 'Milton is M. Guizot's ideal of the highest of the republican statesmen, grand but unpractical.' There are many who, though they could not agree with Mr. Forster in designating M. Guizot 'a great statesmen,' might be surprised to see a man who knew as much as M. Guizot did of practical politics describing Milton as a statesman at all. Whether or not it may be necessary for a statesman to have a philosophical mind, a logical mind he could hardly dispense with. The want of the logical faculty in Milton is well expressed by Hobbes, who says of the books written by Salmasius and Milton, respecting

the execution of King Charles:—'They are very good Latin both, and hardly to be judged which is better, and both very ill reasoning, hardly to be judged which is worse; like two declamations *pro* and *con*, made for exercise only in a rhetoric school by one and the same man.'[1] It is sufficient to compare the state papers of the Council of State of the Commonwealth, which were certainly not written by Milton, with such writings of Milton's as that above described by Hobbes—for example, the 'Instructions to Blake,' printed for the first time in my history of the Commonwealth,[2] from the MS. minutes of the council, which I believe to have been written by Vane—with the political writings of Milton, to see the enormous difference between a man of genius like Milton whose genius was not political, and a man of genius like Vane whose genius was emphatically a genius for government. There could not be a greater error than to conclude, as M. Guizot appears to have done, from the wildness of the theological speculations of Vane and some others, that they were mere scholastic theoretical republicans, at the best high-minded dreamers, and gifted with every sense but common sense. In fact their theological speculations, wild as they might be, were very little if at all more wild than those of Cromwell himself, whom M. Guizot will admit to have been sufficiently gifted with common sense. M. Guizot's judgment of those men might be correct if applied to ordinary times, when violent religious enthusiasts are not found to possess the qualities of mind necessary to make practical statesmen. But that was not an ordinary but an exceptional time, a time in which the persecutions of bigots and tyrants had

[1] Hobbes's Behemoth, pp. 269, 270: London, 1682. [2] Vol. ii. pp. 81, 82.

added to the strongest practical intellects the quality of a wild religious enthusiasm, producing a result which Lord Macaulay has well described in his essay on 'The Pilgrim's Progress.' 'Fanaticism, engendered by persecution, spread rapidly through society. Even the strongest and most commanding minds were not proof against it. Any time might have produced George Fox and James Naylor; but to one time alone belong the frantic delusions of such a statesman as Vane, and the hysterical tears of such a soldier as Cromwell.' The failure of the statesmen of the Commonwealth, if their expulsion by armed force is to be termed a failure, arose from no want of common sense or any other sense in them, but from the want of common sense on that occasion in the man who expelled them; for no one can examine closely the results to that man himself and his family, without coming to the conclusion that that act of his, in which he deviated so widely from the strong good sense which he had so often manifested in his better days, entailed great and enduring evils on himself, his family, and his country.

It is a little surprising that M. Guizot should overlook the fact that precisely the same experience which naturally produced in himself such an aversion to republicanism, had produced in the statesmen of the Commonwealth a rooted aversion to monarchy, or, as they termed it, 'kingship,' or 'the government of a single person.' All the experience of those men's past lives had presented to them kingship in the most repulsive examples—in the person of Philip II., of Catharine de' Medici, of Charles IX., of Henry III., of James I., and of Charles I. They had seen in kingship vices hardening into crimes, and ending in idiocy. It seems somewhat

by the mark then, when such a government as the constitutional limited monarchy established in England in 1688 was a thing unknown, to describe the English Commonwealth as a Republic premature or untimely, foreign to the national history and manners, introduced and upheld by pride of spirit and the egotism of faction, as a government detestable because full of falsehood and violence. Were the governments of Philip II., of Charles IX., or of Charles I., so exempt from falsehood and violence? Were not falsehood and violence the very first and most essential elements of their existence? And were not the Roman Republic that was substituted for the government of Tarquin, and the American Republic that was substituted for the government of George III., foreign to the national history and manners? Yet the Roman Republic lasted for centuries, and the American Republic has lasted nearly one century and bids fair to last for centuries to come. And if Cromwell had performed to the end his part as Washington performed his, the English Commonwealth might have lasted and been flourishing at this day. The cause of the difference has been well expressed by M. Guizot himself in his life of Washington. M. Guizot, after quoting the words of Washington in his journal, expressive of his anxious thoughts when he entered New York as the first President of the United States—'the movement of the boats, the decking out of the ships, the music, the roar of cannon, the shouts of the people resounding to the sky, whilst I went along the quays, filled my soul with painful instead of pleasing sentiments; for I thought of the scenes altogether different which perhaps would take place some day, in spite of the efforts I should have made to do

good;' and the words of Cromwell on entering London on his return from Ireland, in answer to a flatterer's exclamation 'What a number of people come to welcome you home'—'But how many more, do you think, would flock together to see me hanged?' adds these words: 'Curious analogy and glorious difference between the sentiments and the words of a great man corrupted and of a great man virtuous!'

In the two volumes of my history of the Commonwealth I have endeavoured to show from original and authentic sources the nature of that government which lasted from the death of Charles the First, namely from Febuary 1648–9 to April 1653, a period of four years and three months, and which may correctly enough receive the name which it assumed to itself of the Commonwealth, to distinguish it from the monarchy which preceded and from the military despotism which followed it. The history of that military despotism established by Oliver Cromwell is not an inviting topic. Neither is it an instructive one. So far are those who sacrifice everyone to Cromwell from thereby promoting historical truth or affording political instruction, that they seem to forget that while the period of the Commonwealth exhibited nothing but what is extraordinary, the period that succeeded the expulsion of the Long Parliament exhibited little but what is commonplace. This difference arises from the difference between a government of a Council of State composed of forty-one members, several of whom possessed the talents of great statesmen, and a government exercised by one bold, able, and unscrupulous man.

A bold, able, and unscrupulous man! These words may seem cold and inadeqnate to express the qualities of such a man, both to those who have been accustomed to revile and to those who have been accustomed to worship him. And it must be admitted that the number of his revilers and his worshippers, as compared with the number of those who neither revile nor worship him, shows at least the prominent place, whether for good or evil, which such men as he occupy in history. A distinction has been attempted to be made between the difficulties to be overcome by such men, and the abilities consequently required in communities accustomed to liberty, and among tribes and nations such as those of Asia, only accustomed to be transferred from one tyrant to another. And the fame, or glory as some call it, of such men as Cæsar, Cromwell, and Bonaparte, has been ascribed to the assumed superior difficulty of the enterprise in which they succeeded—that, namely of enslaving a nation which was before free. I am inclined to think that there is an error in this assumption—an error thus far of pernicious consequence, as it tends to convey an exaggerated idea of the intellectual power of such men—and hence to lead to admiration and imitation of them and their evil deeds. When a man has become master of an army which, having been accustomed to be led by him to victory naturally looks on him as its god, it matters little whether the rest of the community to which that man belongs have been freemen or slaves. They are powerless in his hands. And if his object were unjust dominion, he attained his object when he attained to the supreme command of that victorious army. It may indeed be somewhat more difficult to attain to that supreme

command in a state of society such as that in which Cæsar, Cromwell, and Bonaparte attained to it; but that being done, what remained was not a whit more difficult than what was accomplished by Hyder Ali, who from a far humbler station than either Cromwell or Bonaparte, and with almost no education, raised himself by intellect and courage to the command of armies, and became the founder of the Mahommedan kingdom of Mysore, and the most formidable enemy that English skill and valour ever encountered in India.

Of all these men self-aggrandisement—'self in the highest'—was the god; as it is of all men of the same class. And while all of them were undoubtedly men of that clear intellect without which no man can be a great statesman-soldier, Cæsar stands out among them all in that intellectual supremacy which has thrown a sort of dazzling halo around his vices and his crimes. But there is one feature in which Cromwell differs from all these men. They had all been bred soldiers, whereas Cromwell did not become a soldier till he was past the age of forty. Yet Cromwell's rise to eminence both as a soldier and statesman so late in life is not so much a matter of wonder as has commonly been supposed, when his position is closely examined. As a gentleman-farmer he saw greater varieties of human character than he would have seen as a country squire, and had more need for the exercise of his wits. Besides coming into closer contact with farm-labourers and yeomen, he had to go to market and bargain with cattle-dealers and corn-factors. All this, added to some previous though slight education as a lawyer, and to some small experience as a member of parliament, was no bad preparatory

education for the business of a soldier-statesman. If Cromwell was not a very successful brewer, or a very successful gentleman-farmer, the reason may have been that those were occupations which were not fitted to call forth all the extraordinary talents and energies of his character; while the experience and knowledge of men and of business he acquired in those occupations were not the less useful to him in his career as a politician and a soldier. As it was, the accident of birth, which made Charles a worse than indifferent king made Cromwell an indifferent brewer and an indifferent gentleman-farmer; and the force of events, which proved Charles to be if possible a still worse soldier than king, proved Cromwell to be a great soldier, and, with all his faults, a great prince.

In saying that the Commonwealth governed better than Cromwell, I do not thence infer that Cromwell's abilities were inferior to those of the ablest men who administered the government of the Commonwealth. The faults of Cromwell's government were the necessary consequences of his position—a position which he had made for himself.

These consequences of Cromwell's destruction of the English Commonwealth, and his concentration of the powers of sovereignty in his single person, soon began to appear. The lofty and public-spirited aims of the statesmen of the Long Parliament in their conduct of the Dutch war were abandoned by the usurper in his treaty of peace with the Dutch. Cromwell's motives are well expressed in the remark of Monk, who, when he had no longer any reason to disguise the truth, said that it was 'a base treachery in Cromwell

to make a sudden peace with the Dutch, and betray all the advantages of the war, that he might go up to the throne with more peace and satisfaction.' And the evil consequences of Cromwell's proceeding not only soon appeared then, but were to last for ages. The great European question at that time was the relative power of Spain and France. Any man of that age with any pretensions to be called a statesman, looking at France and Spain, would see that the balance had turned in an opposite direction to that to which it had long inclined. Looking to Spain, he would see that a vital change had taken place in that mighty empire, which had oppressed Holland, which had destroyed the liberties of Italy and Germany, and had threatened the destruction of those of England. He would now see in that vast unwieldy and defenceless empire only weakness disguised and increased by pride, an empty treasury, councils without policy or wisdom, a nation without enterprise and valour, and besotted by a brutal fanaticism. Looking to France he would see a large and compact territory, a rich soil, a central situation, large revenues, a people who, though not free, possessed many capabilities for the arts both of peace and war. It is impossible to believe that a man of Cromwell's natural sagacity did not see all this. But the situation in which Cromwell had placed himself had forced upon him, as such a situation forces upon all men so placed, the policy of taking care of himself before he thought of taking care of his country, or troubled himself with the balance of power in Europe. He was thus induced, by reasons of private interest, to act against the public interest not only of England but of Europe. By joining with France against Spain, Cromwell, though he

got Jamaica and Dunkirk, drove the Spaniards into a necessity of making a peace with France—a peace that disturbed the peace of the world almost fourscore years, and the consequences of which oppressed with an enormous debt that England which he enslaved, after it had fought so long and so bravely for its liberties. Such are some of the consequences, though even they are not among the greatest and most disastrous consequences of a great crime committed by a great man.

I have in my history of the Commonwealth shown the advantages of the discussion of great questions by a Council of State consisting of members varying from twenty to forty in number, several of them men of conspicuous ability in affairs of state, where no one man, either under the title of president or prime minister, had any power to domineer over the rest and deprive the Council of its proper character—namely, that of a perfectly free deliberative Council of State. In this perfectly free deliberative character lay the superiority of the government of the Commonwealth over the government of Cromwell, where the numbers of the Council hardly exceeded in number a fourth of those of the Council of State of the Commonwealth, and where the character of free deliberation and discussion did not exist. The opinion of one of the ablest members of that great Council of State of the Long Parliament is worth quoting, even though it should not be considered as by any means settling the question. In a debate in Richard Cromwell's parliament Scot cited, as the strongest argument against trusting the whole power of making war to Richard and his Council, the bad use Oliver and his Council had made of that power. 'I look upon his

father,' said Scot, 'as of much more experience and counsel than himself; yet he was never so successful as when he was a servant to the Commonwealth.[1] What a dishonourable peace he made, and what an unprofitable and dangerous war. Was not the effect of the peace with Holland, and the war with Spain, the most disadvantageous and deplorable that ever were? Therefore, if he that was a man of war and of counsel miscarried, why should I trust a single person, the most unfit to refer it to? Yet you do implicitly commit the whole charge upon his Highness.'

But setting aside the question of the morality and policy of the war with Spain, and admitting that to a man in Cromwell's position it was necessary to dazzle the nation by brilliant exploits; why, it may well be asked, was the execution of the more difficult part of Cromwell's grand scheme committed to Penn and Venables, the more easy part to Blake? It certainly does not appear too much to say that, assuming this scheme of a war with Spain to have been approved of by the Council of State of the Commonwealth, the execution of that part of it which related to the attack upon Hispaniola would not, after the full deliberation and discussion which every important measure received in that Council of forty-one members, have been committed to Penn and Venables. Neither Penn nor Venables had done anything to warrant the conclusion that either of them was competent for the successful execution of such an enterprise; whereas Blake's competency had been proved by his

[1] Mr. Forster, in his Life of Henry Marten, p. 339, note, in quoting from Burton's Diary these observations of Scot, has marked in italics the remarkable words, '*yet he was never so successful as when he was a servant to the Commonwealth.*'

success in many enterprises of a similar kind, particularly by his capture, in the face of great and peculiar difficulties, of the Scilly Isles and of the Isle of Jersey.

But besides the blunder in the choice of commanders, the land forces employed were composed of inferior materials, and moreover were neither well furnished with arms nor provisions. Ludlow is quite incorrect in his account of the result of the expedition against Hispaniola, known also under the names of Saint Domingo and Hayti, when he says, 'Those very men, who, when they fought for the liberties of their country, had performed wonders, having now engaged to support the late-erected tyranny, disgracefully fled when there was none to pursue them.'[1] This statement, even if correct as to the composition of the forces employed, would not be conclusive, since Ludlow knew well enough that the men who had conquered under the command of Blake for the Commonwealth also conquered under the command of Blake for Cromwell. But in truth the forces employed for the conquest of Hispaniola were new levies, more than half of them raised in the West Indies. Consequently they were not 'those very men who, when they fought for the liberties of their country, had performed wonders.' This is proved by the 'Instructions' to Admiral Penn, headed 'Oliver, P.' and signed 'John Thurloe.' The second article of these 'Instructions' runs thus: 'Whereas, besides the said fleet, we have caused to be raised and levied in England land forces, both horse and foot, viz. five regiments of foot, six hundred in each regiment, being in all 3,000 foot; and sixty horse, to be transported

[1] Ludlow's Memoirs, vol. ii. p. 496, 2nd edition: London, 1721.

into the parts aforesaid.'[1] And the fourth article contains these words: 'Whereas other forces are intended to be levied and raised in the Barbadoes, and other the islands and English plantations there.'[2]

The 'other forces' levied in the West Indies raised the whole amount of forces employed in the attack in Hispaniola to more than 7,000, as appears from the following passage in the original manuscript journal[3] kept on board the *Swiftsure*, Admiral Penn's ship, and published by Mr. Granville Penn. The writer of the journal says:—'I told him [General Penn] that it would infinitely redound to the dishonour of the nation to go off so; and that it was thought by the most knowing persons, both of the place and condition of the enemy, that I had conversed with, that, notwithstanding these disgraces, the business was very feasible, if but 2,000 or 1,500 good men were picked out of the 7,000 yet remaining;[4] and that the ships might do their part in battering the fort and town, and clear the way for those men to the town; and that all whom I had talked with, belonging to the fleet, were afire to be doing, and rather leave their bones there than carry off so foul a stain; and particularly instanced Captain Fernes, who was willing to carry in the ships, and would undertake, on his life, to beat them from their guns.[5]

[1] Granville Penn, vol. ii. p. 23. These 'Instructions' are given in full in Granville Penn's Memorials of Sir William Penn, vol. ii. pp. 23–27.

[2] *Ibid.*

[3] This Journal of the *Swiftsure* and the accompanying documents furnish a striking example of the degree to which truth has been perverted in all the 'histories' of this expedition.

[4] Granville Penn, ii. 92. As it was stated before (p. 90) that they had 300 or 400 killed, this would make the whole amount to about 7,500.

[5] *Ibid.*

It is but justice, however, to Venables to hear his account of the matter. There are two letters from General Venables to General Montague, printed in Carte's Collection of Original Letters. In the first of these, dated Barbadoes, Feb. 28, 1654–5, Venables says: 'All the promises made us in England, of men, provision, and arms, we find to be but promises. I do not know that we have raised 3,000, and not arms for 1,300 of them. Mr. Noel's 1,500 arms are found to be but 190.' The next sentence is very significant, and exhibits in a striking manner the difference between 'my lord and his Council' and the Council of State of the Commonwealth which 'my lord' had destroyed. 'We did not doubt but my lord and his Council had proceeded and grounded their resolves upon greater certainties than we can yet discern, by any one particular, of all that was taken as most certain. . . . We desired our men's arms might be changed, they being extreme bad, and two-fifths not to be made serviceable here. Of 3,000 men designed, we brought but 2,500, and not 1,600 of them well armed; so that (our stores not coming as promised) we are making half-pikes here to arm the rest, and those we raise, for we have not any hopes to procure, at any hand, above 1,600 fire-arms. . . . It's agreed on, by all persons that know America, that English powder will not keep above nine months, and at that time we must receive constant supplies. French and Spanish powder will keep many years; therefore I earnestly desire that saltpetre and all other materials, a mill and men to make powder, might be sent to us, for the several ingredients will keep uncompounded very well. We have met with all the obstructions that men in this place can cast in our

way; and now we have time to draw our men together we find not half of them to be armed; nay, in some regiments, not above 200 are; the most having unfixed arms, and unfit men generally given us; and here we are forced to make half-pikes to arm them, which hath lost us so much time, and will hazard our ruin. Had we been armed in England, doubtless we had been at work before this. I have just now an account from General Penn, of what the fleet can accommodate us with; which, as you may see by the enclosed particular, will not amount to, in short, above fifteen shot a man—a most inconsiderable proportion to have hunted Tories in Ireland with, where we might have had supplies every day; much more, to attempt one of the greatest princes in the world within his most beloved country, where some supplies cannot be had above twice a year.'[1]

We now come to examine the proximate or immediate causes of the failure of the attack upon Hispaniola. The materials, it has been seen, were bad; and these bad materials were made worse by the manner in which they were handled. The most prominent of the proximate causes of the failure was the landing of the troops at a distance of near forty miles instead of six miles from the town of St. Domingo, when they had to march through a country the difficulties of which were very great. The reports of Penn and Venables agree as to the place of landing; and the report of Penn admits that if they had waited till the 15th of April, only one day after the landing, the troops might have been landed at a distance of only six miles from the town. Penn, in his dispatch to Cromwell dated

[1] Carte's Collection of Original Letters, vol. ii. pp. 46-52. Granville Penn, vol. ii. pp. 120, 121.

'On board the *Swiftsure*, Jamaica, the 6th of June, 1655,' says:—'The place always intended for their landing being Hina Bay, some six or seven miles west from the town, they could not approach unto it (being a lee shore, and very full of rocks, and the breeze being that day very great and the sea much grown); so that they were necessitated to sail down farther to leeward unto the next place, called Point Nicayo, which was more safe, but at least eight[1] leagues from Domingo; where all landed the next day (April 14th), without opposition.' He then proves that they might have been landed at Hina if he had waited till the 15th, by his next sentence. 'Fifteen hundred of the army stayed behind with the fleet, being appointed to land two or three miles to the eastward of the town; but having searched the coast, and found it all along very steep and rocky, and altogether impossible to land on in less distance than twelve miles, Mr. Winslow[2] and myself (Captain Butler having gone along with the general) did think fit to land them at Hina (the sea being then more calm) which accordingly, on the 15th, was effected without any resistance; to which place we made account the army by that time was arrived, it being their way to the town.'[3]

This was not the way in which Blake went to work, when in the face of difficulties of winds, waves and rocks, and of

[1] Venables, who was likely to be better informed as to the distance, having traversed it, says, 'near forty miles to the west of Santo Domingo.'—*Granville Penn*, ii. 122.

[2] Mr. Winslow and Captain Gregory Butler, with the sea and land generals, and some others, were appointed commissioners for carrying into effect the object of the expedition. Mr. Granville Penn says that 'Commissioner Butler was in the particular confidence of Cromwell, and was sent by him as his spy on both the generals.'—*Memorials of Sir William Penn*, ii. 31.

[3] Admiral Penn to his Highness the Lord Protector, June 6, 1655, in Granville Penn, ii. 109-112.

enemies more formidable than the Spaniards of Hispaniola, he captured the Scilly Isles and the Island of Jersey.

It will be observed that Penn does not say that Venables insisted on being landed with his troops on the 14th at a place forty miles distant from the town of St. Domingo instead of waiting till the state of the sea would permit his being landed at a place six miles distant from that town. It is also to be observed that Venables does not in express words throw the blame of the landing at so great a distance from the town on Penn. In the second of his two letters to General Montague before mentioned, Venables says: 'We came to Hispaniola, where we landed upon Saturday, the 14th of April, near forty miles to the west of Santo Domingo. The reason was our pilots were all absent; the chief had outstayed his order, being sent out to discover, and none with us but an old Dutchman, that knew no place but that: whereas, we resolved to have landed where Sir Francis Drake did, except forced off by a fort (said to be there); and then, in such a case, to have gone to the other.' He then goes on to describe the result.

'From our landing we marched without any guide, save heaven, through woods; the ways so narrow, that five hundred men might have extremely prejudiced twenty thousand by ambushes; but this course the enemy held not, save twice. The weather extreme hot, and little water; our feet scorched through our shoes, and men and horse died of thirst; but if any had liquor put into their mouth presently after they fell, they would recover, else die in an instant. Our men, the last fortnight at sea, had bad bread, and little of it or other victuals, notwithstanding General Penn's order, so that they were very weak at landing; and some, instead of three days' provision at

landing, had but one, with which they marched five days, and therefore fell to eat limes, oranges, lemons, &c., which put them into fluxes and fevers. Of the former I had my share for near a fortnight, with cruel gripings that I could scarce stand.'[1]

I have given in my history of the Commonwealth many minutes from the MS. Order Books of the Council of State of the Commonwealth, evincing the most anxious care of the seamen's and soldiers' food—minutes which have never before been printed, although the critic before referred to in this essay has asserted that my history 'is not based, as it professes to be, on unused materials.' The mode in which this expedition against Hispaniola was provisioned, to say nothing at present of its other characteristics, marks very distinctly the difference between the government of the Commonwealth and the government of Oliver Cromwell; of whom M. Guizot has ventured to say that no party could govern like him.

There are three accounts of what followed—that of General Venables, that of Captain Gregory Butler, and a third in the journal of the *Swiftsure* from one Ensign Fowler. Venables dwells most on the weakness of his men from the want of food and water,[2] and says nothing of the want of discipline and courage. Ensign Fowler, as cited in the journal of the *Swiftsure*, 'excuses not the officers, as well as the soldiers, for their failings in this

[1] Carte's Collection of Original Letters, vol. ii. pp. 46–52. Granville Penn's Memorials of Admiral Sir William Penn, vol. ii. pp. 122, 123. The statement of Venables as to the short supply of provisions is confirmed by Penn in a letter to Cromwell, dated Barbadoes, March 17, 1654–5.—*Granville Penn*, ii. 72.

[2] Granville Penn, ii. 123.

business;' and says 'there is no discipline at all, but every one doth what he lists, and officers as bad as the rest.'[1] Gregory Butler evidently writes (his letter is to Cromwell) for the purpose of throwing all the blame on Venables, whom he even charges with cowardice as well as incapacity, and intimates that he (Butler) 'might, without him (Venables), have done all that was to be done.'[2] This may be taken for what it is worth. But as this Butler was a creature and spy of Cromwell, his object probably was as much as possible to transfer all the blame of failure from the government, that is, from Cromwell to Venables the general. As Mr. Granville Penn's compilation also was made for the purpose of vindicating on all occasions the character of his ancestor Admiral Penn, the short-comings of Venables are made to stand in contrast with the zeal of Penn, who is represented in the journal of the *Swiftsure* as having again urged another attempt before quitting the place. 'He offered to them to stand off to sea, for refreshing the soldiers three or four days on board; and by that time the Spaniards, he made account, would be again dispersed to their several homes, and then to come in suddenly upon them: he being willing to do anything with the ships that they could desire; but they would not hearken hereunto.'[3]

The man who could have given the best account of the whole affair—Colonel Haynes, who together with Admiral Blake had received the special thanks of Parliament for his important service in the reduction of the Island of Jersey—was unfortunately slain in attempting to stop the flight of his soldiers. Colonel

[1] Granville Penn, ii. 90. [2] *Ibid.* ii. 49. [3] *Ibid.* ii, 98.

Haynes had been appointed second in command to Venables, with the rank of major-general. Venables, in his account of the affair, says: 'they fell upon our forlorn again, routed them, and then in the narrow lanes and thick woods routed mine and Major-General Haynes's regiment, slew my major, and three of my captains, slew the major-general, and wounded his lieutenant-colonel, who is since dead; and were not repulsed, till the regiment of seamen (with whom I was) gave stop to this disaster. Never did my eyes see men more discouraged, being scarce able to make them stand when the enemy was retreated, who never looked upon us until we were ready to faint for water; they having (which I forgot before to tell you) stopped up all their wells, so that we had not, of ten miles, one drop of water.'[1] The account in the *Swiftsure's* journal is:—'The major-general (Haynes) broke forward through the disordered, and endeavoured to make head and withstand the enemy; but not being succoured (though he earnestly called out but for six or seven to beat the enemy back), was overwhelmed with lancers, and slain.'[2]

It is scarcely credible that the regiment here called Major-General Haynes's regiment could be the same regiment he commanded in the attack on Jersey—an attack which has been so well described by Mr. Hepworth Dixon: 'The fires along the shore appeared to warn the Admiral (Blake) that his endeavour to throw Haynes' regiment on shore at that point would be attended with other difficulties than a threatening sea and a rocky coast on a dark night. Yet nothing could check his ardour So long familiar with success, he despised every obstacle

[1] Granville Penn, ii. 123. [2] *Ibid.* ii. 89.

not evidently insurmountable. At eleven o'clock at night the boats were again lowered, and by a desperate and gallant effort were run ashore. Holding their arms above their heads, the men leapt into the surf, many of them up to the neck in water, and pushed for land. While struggling to obtain firm footing, and free themselves from the returning surges, Carteret's horse rode down furiously, with the design of forcing them back into the sea; but, forming his men as well as could be done in the confusion of such a scene and the darkness of a winter midnight, Haynes led them to the charge, and after a sanguinary conflict of half an hour's duration he drove the Cavalier horse from the field, and pursued them inland more than a mile.'[1]

It is melancholy to see such a man as this sacrificed to the incompetency of such commanders as Penn and Venables; whose incompetency may be considered as a tolerably accurate measure of the incompetency of the government that employed them. It is not too much to say that, if Blake and Haynes had commanded this expedition instead of Penn and Venables, Hispaniola would have been at this day an English colony as well as Jamaica.

But a far greater man than Major-General Haynes was sacrificed to the incompetency of this government of Oliver Cromwell. Admiral Blake, in a letter to Secretary Thurloe, dated on board the '*Swiftsure*, in the bay of Weyer,[2] December 8, 1656,' says:—'These inconvenients might have been prevented by sending two months or but

[1] Dixon's Robert Blake, pp. 180, 181: London, 1852.

[2] Oeiras. It is spelt 'Oeyras' in the Wellington Dispatches, vol. viii. p. 228.

six weeks before. I wish that his Highness were thoroughly informed of these things, that a better course may be taken in the future for the supply of his fleet, and carrying on of his service in these or any other remote parts. Sir, I am sorry to trouble you with these things, but upon this occasion I hold it my duty so to do.'[1]

Again, on the 11th of March 1657, just five months before his death—which was certainly owing to his health having been thoroughly destroyed by his being kept so long at sea without intermission, with ships rendered so foul that under any other commander they would have been quite unserviceable—Blake wrote to the Admiralty, setting forth, in the most urgent terms, the wretched condition of his fleet—'grown so foul,' to use his own words, 'by reason of a long continuance abroad, that if a fleet outward bound should design to avoid us, few of our ships would be able to follow them up.' '*I have acquainted you often*,' he writes—and these few words speak volumes of the difference between Cromwell's government and that of the Commonwealth—'with my thoughts of keeping out these ships so long, whereby they are not only rendered in a great measure unserviceable, but withal exposed to desperate hazards; wherein, though the Lord hath most wonderfully and mercifully preserved us hitherto, I know no rule to tempt Him, and therefore again mind you of it, that if any such accident should for the future happen to the damage of his Highness and the nation—which God forbid—the blame may not be at our doors, for we account it a great mercy that the Lord hath not given them [the Spaniards] the opportunity to take advantage of these our damages. Truly

[1] Thurloe's State Papers, vol. v. p. 691.

our fleet is generally in that condition that it troubles us to think what the consequences may prove if such another storm, as we have had three or four lately, should overtake us before we have time and opportunity a little to repair. Our number of men is lessened through death and sickness, occasioned partly through the badness of victuals and the long continuance of poor men at sea. The captain of the *Fairfax* tells me, in particular, that they are forced to call all their company on deck whenever they go to tack.' Instead of what he so urgently asked for, 'forthwith a sufficient supply of able seamen,' the only answer Blake got was that the Commissioners of the Admiralty were sorry to hear of his illness, sorry also to hear of the wretched state of his ships; but that they could not promise him any immediate aid, because the Lord Protector's time was completely taken up with Parliamentary intrigues, the great question of kingship being then under consideration.[1]

It appears from this that Cromwell's administration of foreign affairs was as bad as that of the worst men in the worst times; and as different from the administration of the men of the Commonwealth, whom he nevertheless charged with 'delay of business,' as the administration of Charles II. was different from the administration of the Commonwealth.

I have shown, in my history of the Commonwealth, that, in the case of the expedition against Ireland, as well as in that of the expedition against Scotland, the Council of State of the Commonwealth first selected the best man for the chief command, namely, Cromwell him-

[1] Dixon's Robert Blake, pp. 344, 345, cites Blake's Dispatch, Add. MS. 9304; and MS. Orders and Instructions, May 2, 1657, Admiralty Office.

self, and, secondly, used the most anxious and most efficient care in supplying their commander-in-chief with the best soldiers that England could furnish; and then in amply furnishing those soldiers with the best arms, ammunition, and provisions of every kind, without hampering, too, their commander-in-chief with spies in the shape of commissioners like Captain Gregory Butler. I have shown their anxious care and their incessant labours in the diligent and conscientious performance of their duties in the execution of their great trust as the Executive Council of the Sovereign of England in that momentous time. And I have shown in the last few pages of this essay how Cromwell, who had, by a breach of the sacred trust they had reposed in him, turned the sword against those who had entrusted him with it, and concentrated in his single person all their powers of sovreignty, performed those duties of government which they had performed so well. I have shown how, in undertaking an enterprise of great difficulty, he had employed for its execution not the best man, who was manifestly Admiral Blake, but not even the second best, the third best, or the fourth best; and how, instead of supplying the commanders with the best troops, arms, and provisions, he had given them bad troops, badly armed, or not armed at all, and bad provisions or no provisions at all. I have also shown in my history the indefatigable exertions of the Council of State and their great administrative genius in raising the English navy from the low condition in which it was when their administration began to a height of efficiency and power that rendered it the most formidable navy the world had ever seen. And in contrast with the great administrative

genius and the unremitting labours of the Council of State of the Commonwealth, I have shown from Blake's own letters and from those of Cromwell's Commissioners of the Admiralty, how Blake's fleet was neglected by the government of Cromwell.

It might be shown that Cromwell's home administration differed for the worse from that of the Commonwealth, at least in some respects, as much as his foreign administration has been shown to have differed. But enough has been said to show the essential difference between the government of the Council of State of the Commonwealth and the government of Cromwell.

In giving part of an original letter from Blake to Cromwell in my history of the Commonwealth,[1] I mentioned that I was indebted for a copy of that letter to the kindness of Mr. F. K. Lenthall, recorder of Woodstock, a lineal descendant of the Speaker of the Long Parliament. I said that Mr. Lenthall had himself copied that letter from the original in the Tanner MSS. in the Bodleian; and that I was also indebted to the same gentleman for an interesting account of Cromwell's dissolution of his last parliament, which he likewise copied from an original letter, vol. li. fol. 1, of the Tanner MSS.

This letter is dated 'Feb. 12, 1657,' is without signature, and is addressed thus: 'To his much honoured friend, John. Hobart Esq., at his house in Norwich these be delivered.' The letter begins thus:—

'Sir, in order to your instruction, to my best remembrance and information. The evening before the dissolution, one Colonel Jenkins, a member of the House, received a letter from a porter, in which was a letter

[1] Vol. ii. pp. 66, 67.

included, directed to the Protector. The letter to Jenkins purported thus much, or rather had these words (videll) I hope you will be at the House to-morrow to do service for the army and the nation. Whereupon Jenkins stayed the porter, and asked him where he had that letter. At first the porter dissembled; at last told him where, but not of whom, nor would he. So the porter was secured. Presently Jenkins repaired to Secretary Thurloe, and showed him his letter, and delivered to him the inclosed to the Lord Protector. When the Secretary had read Jenkins's letter, he presently sent for Mr. Maydston,[1] one of the bed chamber, and told him he must forthwith carry to his Highness these letters; which he did. But he [Cromwell] being close shut up, [Maydston] could not suddenly speak with him. But [Maydston] knocking very hard, his Highness asked angrily who was there. Maydston answered that the Secretary had sent a letter to his Highness, as he thought, of great concernment. He [Cromwell] presently unbarred the door, and took the letter, and shut the door again.[2] And after a short perusal, he commanded the porter should be set at liberty. And presently sent for Colonels Whalley and Desborowe and some others whose turn was that night to wait and watch, and asked them if they heard no news. And they said 'No.' And he again asked if they did not hear of a petition. They said 'No.' Then he commanded them to go to Westminster, and require the guard there to

[1] Whose description of Cromwell, printed in the appendix to the first volume of Thurloe's State Papers, p. 766, is well known, and often quoted.

[2] The whole of this passage furnishes a striking confirmation of the truth of the reports respecting the extraordinary precautions taken by Cromwell against assassination during the two or three last years of his life—precautions which must have injured his health and made his life wretched.

come to Whitehall, and that to go to Westminster. And they did go towards Westminster: but hearing some soldiers speaking of enthralling their posterity, although themselves might live well for a while, those commanders returned back and told his Highness what they heard. Then he commanded them to go to the mews, and command that guard to come to Whitehall, and Whitehall guards to go to the mews; which was done.'

This is a striking picture of Cromwell's extreme uneasiness and of the causes of it. It appears from this that the dissatisfaction with the government of Cromwell was not confined to such intractable republicans as 'wooden' Ludlow and 'fanatic' Harrison, but extended even to the picked soldiers of his guard, whom he had selected from different regiments, and to whom, in order to secure their fidelity, he gave the pay and appointment of officers. Yet his changing them in this manner shows that he did not feel that he could repose complete confidence even in them. For Cromwell's soldiers were intelligent, thoughtful men; and their intelligence led them to the conclusion that such a government would, if continued, 'enthrall their posterity, although themselves might live well for a while.' However unpopular the government of the Commonwealth might be, that government, by the very fact of calling itself a Commonwealth, recognized popular rights and wants, and kept in view great national objects; and there was at least a hope of its developing itself ultimately into an actual commonwealth or republic. But after the expulsion of the Long Parliament by Cromwell, the very soldiers of Cromwell's own Life-guard saw that the government was a military despotism.

The writer of the letter thus continues :—

'Thus things rested until morning; and that morning the Protector sent a letter into the City, and had an answer returned upon which he seemed much troubled. And after a while, before nine[1] of the clock, he called for his dinner; a little before which time he went to his Secretary, who was in bed and sick. And his Highness told him he would go to the House, at which he wondered why his Highness resolved so suddenly. He did not tell him why, but he was resolved to go. And when he had dined he withdrew himself, and went the back way, intending alone to have gone by water. But the tide was so as he could not. Then he came the foreway; and the first man of the guards he saw, he commanded him to press the nearest coach, which he did, with but two horses in it. And so he went with not above four footmen, and about five or six of the guards, to the House. After which, retiring into the withdrawing room, he drank a cup of ale and ate a piece of toast, and then came into the Lords' House (as yet called). Then the Lord Fynes near to him asked his Highness what he intended. He said he would dissolve the House, upon which the Lord Fleetwood said, 'I beseech your Highness, consider first well of it: it is of great consequence.' He replied: 'You are a milksop; by the living God, I will dissolve the House.' Some say he iterated this

[1] This seems a strange hour for dinner, even in that age, when noon was the usual dinner hour. Cromwell on that occasion had probably been up all night, and had breakfasted very early. Aubrey says (*Lives*, ii. 022):— 'His [Hobbes's] dinner was provided for him exactly by eleven, for he could not now [in his old age] stay till his lord's hour, i.e. about two.' At the beginning of the seventeenth century the usual dinner hour among the upper classes was twelve, noon, in the second half of the same century it thus appears that the usual dinner hour of the Earl of Devonshire was two P.M.

twice; and others say it was, 'as the Lord liveth.' And then the lower House, or other, or first or no House, being come, he spake to this effect:—

'Gentlemen, and you Lords, or Gentlemen' (turning his head to them) 'whatsoever you are to be called, I think you were not ambitious of titles when you first tendered this way of government to me, set forth in the petition and advice. You knew I was not inclining thereto. I call God and his angels to witness it. I then wished you well to consider of it and peruse it, and told you that, were it not that the necessity of the nation required it, I should rather choose to lodge and keep sheep under an hedge than to take it upon me. And, notwithstanding, I find you are not the same men you were. You jar and disagree with me, and therefore I am also disengaged. And that you should not unite at this time, when, as I told you lately at Whitehall and now tell you again, and can make out by credible information within these two days, that the young man beyond seas, entitled the King of Scots, hath a considerable number of forces, and hath moneys, and that our neighbours the Hollanders have lent him thirty sail of ships, and that upon the first opportunity they intend to land in some port of this nation, and yet we cannot unite, but must be at jars about trifles. And as to the revenues of the nation, they fall short about half, and so does the money to be raised upon new buildings. And now much time has been spent, and nothing done; and how suddenly there may be a necessity for supplies of money to save the nation, I know not; and delays may breed dangers. I therefore now dissolve you.'[1]

[1] The writer of the letter says, in a subsequent sentence:—'There was one

The letter thus goes on:—'Since which time, this sudden and resolute dissolution hath begot no other production, but an assembling of the officers of the army, the Saturday following, to whom his Highness thus familiarly spake. Gentlemen, we have gone along together, and why we should now differ I know not. Let me now intreat you to deal plainly and freely with me; that if any of you cannot in conscience conform to the new government, let him speak, for now it hath pleased God to put me in a capacity to protect you; and I will protect you. And he drank to them; and many bottles of wine were then drank, but no reply made.'

The last three words are very significant; and they are rendered more so by the half-dozen words that precede them. Even the 'many bottles of wine' did not open their hearts to the extent desired by their general, now 'his Highness.' The education and habits of most of those men had not fitted them for courtiers. Yet we see by the manner of writing of certain men who present, through Secretary Thurloe, their 'humble duty to the Lord Richard, and the Lord Henry, and the Lord St. John my dear friend,' says Winslow, these last the very words used by Bacon of a creature of James I.—that such men had become as servile to Cromwell as Bacon had been to James I., and Laud and Strafford to Charles I. Such a servility is itself a sure sign of a bad government. The letter thus concludes:—'Touching the petition, which begot this dissolution, we under-

remarkable passage that I omitted in his Highness's speech, "that he did not doubt but it could be made out that some, if not some now present, have been tampering with the army and the City; which, if it shall be made to appear, he made no question but it was treason."'

stand that it was consisting of the Fifth Monarchy men (as it is said), and of divers sects coupled and joined with a good part of the army. I never saw the petition, but the stile is said to be from the Churches in London, &c. Some of the heads these (as I hear): 1. That the militia may be put into safe hands. 2. That no officer of the army be removed without a council of war (they need no more if these are granted). 3. That one House of parliament be the supreme judicature of the nation; and some others which I remember not.'

Now supposing that we grant thus much to the advocates of Cromwell, that these Fifth Monarchy men in their Fifth Monarchy-aspect were a somewhat troublesome band of lunatics, there is another aspect of their character which demands consideration. No one who has read 'The Retired Man's Meditations,' by Sir Henry Vane, particularly the chapter on 'The Thousand Years' Reign of Christ,' can doubt that Vane was a Fifth Monarchy man; though Clarendon's assertion[1] that Vane 'did at sometime believe he was the person deputed to reign over the Saints upon earth for a thousand years' is not supported by the evidence of Vane's own writings. But Vane's theological speculations did not in the smallest degree either darken or confuse his judgment as a statesman. Moreover, admitting that Harrison, though one of the bravest and most honest, was not one of the wisest of men, it may be asked how far Cromwell's dealing with Harrison was consistent with the character of *sincerity* which Cromwell's later advocates set up for him. I believe it cannot be questioned that, without the concurrence of Harrison, Cromwell could not have ex-

[1] Clar. Hist. vi. 695, 696: Oxford, 1826.

pelled the parliament. Neither can it be denied on good evidence that Cromwell obtained Harrison's concurrence by false representations—by, in short, deceiving that honest and simple-minded fanatic. All that these advocates of Cromwell can bring against Harrison and Scot, is to call the one, whenever they mention him, 'fanatic Harrison,' and to say of the other 'peppery Scot's hot head will go up on Temple Bar.' This is very fine writing, and wonderfully 'graphic,' to be sure. Vane was a fanatic too, as honest as Harrison, but not quite so easily deceived. He accordingly is 'rather a thin man,' whatever that may mean. If it means that his skull was not so thick as some human skulls—that of Monk for instance, whom Sir Edward Montague, Earl of Sandwich, according to Pepys,[1] called 'a thick-skulled fool'—it may be admitted to have a certain 'graphic' character; as the epithets applied by the same writer to John Hampden, 'respectable, thin-lipped Hampden,' are 'graphic,' and something else; and as the epithets attached by Cobbett to certain men's names whenever he introduced them were 'graphic,' and something else. The epithets of these modern writers differ from those of Homer in this important particular, that Homer's epithets of Zeus, of Agamemnon, and Achilles, for instance, are mostly complimentary; whereas the epithets of Cobbett and of the writer who writes 'wooden Ludlow' and 'fanatic Harrison' are the reverse of complimentary.

It appears from a MS. letter of Henry Cromwell, dated Dublin, June 15, 1659, and addressed to 'the Right Hon. William Lenthall Esq., Speaker of the parliament of the Commonwealth of England,' that the Cromwells, like the

[1] Pepy's Diary, vol. i. p. 37, 4to edition, 1825.

Bonapartes, regarded the office of Chief of the Executive as a *property*, and *not a trust*, as it is held to be under a republic and under a constitutional monarchy. For Henry Cromwell says, after mentioning his father and his brother, 'That the returning to another form hath been looked upon as an indignity to those my nearest relations.' This is an example of the mode in which the idea of what in modern times has been styled a *dynasty* takes forcible possession of the human mind—an idea involving such consequences as these, that men should submit to be slaughtered by hundreds of thousands for no other purpose than that persons styling themselves the heirs or representatives of a large robber should continue to possess, as if it were a property earned by honest labour, the power of oppressing, plundering, and corrupting a nation. The question of dynasty is of little importance, since, though the founder of a dynasty may be a man of great abilities for government, that furnishes no security whatever for his descendants inheriting his abilities. But a question here presents itself, which, if not very important, is at least curious, and may be worth examination—the question, namely, whether, if Richard Cromwell had possessed the abilities of his father, he could have retained the Protectorate. This question has been answered in the affirmative by Lord Macaulay in one of his earlier essays. In his review of Hallam's 'Constitutional History,' Lord Macaulay says that, but for the weakness of Richard Cromwell, 'we might now be writing under the government of his Highness Oliver the Fifth or Richard the Fourth, Protector by the grace of God, of the Commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging.'

I am inclined to dissent from this opinion for the following reasons :—

1. Even if Richard Cromwell had possessed the abilities of his father, he would not have been in the same position as his father. Some of his father's best generals, such as Lambert and Monk, were willing to submit to the authority of Oliver, but would have been by no means willing to submit to that of Richard. It is commonly said, indeed, that Oliver had given Lambert assurance that he (Lambert) should succeed him as Protector. Moreover, Major-General Harrison and Major-General Ludlow, who had refused to acknowledge Oliver as Protector, would undoubtedly have refused to acknowledge Richard. Harrison, though a very brave and active officer, was not equal indeed either to Lambert or Monk in military talent; still he would have been an opponent able, from his daring and activity, to have given a great deal of trouble.

2. The case that seems to come nearest to that here supposed is that of Octavius Cæsar, better known as Augustus, who succeeded his great-uncle, C. Julius Cæsar. Now if it could be shown that Richard Cromwell possessed the abilities of Augustus, and had not more formidable enemies to overcome than Augustus had, we might conclude that he would have retained the Protectorate, as Augustus retained the power of Julius Cæsar, whether as perpetual dictator or as emperor. In the case of Augustus, the whole question turned upon the event of the battle of Philippi. If Brutus and Cassius, who commanded there the hostile army, had been abler men than they were, had been abler generals than Octavius Cæsar and Marcus Antonius, they would probably have

won the battle of Philippi, and put an end to the claims of Octavius Cæsar. But Brutus and Cassius were not veteran soldiers, were not veteran officers of Julius Cæsar, as Lambert and Monk were of Oliver Cromwell. Richard Cromwell, therefore, even if by the hypothesis he had possessed the abilities of Octavius Cæsar, would have had greater difficulties to encounter, more formidable enemies to overcome, than Octavius Cæsar had; and therefore would have been less likely to retain the power of his father Oliver than Octavius Cæsar was to retain the power of his great-uncle, C. Julius Cæsar.

3. But besides the generals of his father Oliver, Richard would have had to encounter the opposition of the royalists and the republicans; and would thus have had three distinct sets of enemies, his father's generals, the royalists, and the republicans; whereas Octavius Cæsar had but one set of enemies—the old Roman aristocracy—who had assasssinated Julius Cæsar. Moreover, his great-uncle Julius Cæsar's principal officers were on his side; and he also contrived to purchase the service of many of his great-uncle's veteran soldiers.

For all these reasons it seems that the balance of probabilities is rather against Richard Cromwell's retaining the Protectorate, even if he had possessed his father's abilities. But events often turn so much upon minute circumstances which cannot be foreseen, that it is impossible to pronounce a decided opinion on such a question. For instance, suppose, which is not improbable, that Lambert and Monk had acted not in concert but against each other, and the republicans against both; and suppose that Richard Cromwell, though he could not have possessed his father's experience, possessed his abilities

with that rapidity of action which a young man is more likely to possess than an old or a middle-aged man, and which was exhibited in so remarkable a degree by Napoleon Bonaparte in his early campaigns, and before he was thirty years of age; on such a supposition Richard Cromwell might, in spite of all the obstacles he had to overcome, have retained the Protectorate.

ESSAY VII.

PRINCE HENRY.

I NOW proceed to attempt to give some account of that dark passage of English history referred to at the beginning of the preceding essay.

Europe was then in that stage of its passage from barbarism into semi-civilisation to which may apply the remark of Sismondi—'The terrible science of poisons is the first branch of chemistry which is successfully cultivated by barbarous nations;'[1] and the science of poisons formed a considerable part of the science of government of the Borgias and the Medici. It is also to be observed that while the branch of chemistry which relates to poisons was cultivated successfully in that age, the branch of chemistry which relates to the detection of poisons was unknown.

The affair of which I am about to write presents a striking view of the change that had taken place in the character and condition of the English nobility in the course of the hundred and fifty years between the middle of the fifteenth and the beginning of the seventeenth century. Those who prefer a comparatively noiseless way of going to work to the 'thunder of the captains and the shouting,' to the tumult of battle, which is 'with confused

[1] Sismondi's Fall of the Roman Empire, vol. i. p. 156; and see Beck's Medical Jurisprudence, p. 759, note, 7th edition: London, 1842.

noise, and garments rolled in blood,' may, like King James I., 'James the Peaceful and the Just,' prefer such revolutionary plotters as these courtier Howards of the seventeenth century to the warlike and uncourtly Nevills of the fifteenth century. We of the nineteenth century may be thankful that we do not live in the times of either of these plotters or makers of revolutions; the barbarian feudal barons, fierce, imperious, and illiterate, or the equally cruel, though more polished and lettered courtiers of that age just emerging from barbarism, when the terrible science of poisons has began to be successfully cultivated; and when the science of analytical chemistry, by which poisons are detected, was still almost if not totally unknown.

It may be stated at the outset that this case so far differs from that which, though called the Gowrie Conspiracy, was not a conspiracy at all, that it really did involve a conspiracy or plot, and a very formidable as well as a very dark plot. For with all the materials which modern researches have brought to light, we are still unable to present it to the reader as a fully connected whole. There are links wanting in the chain which when complete would represent the plot in all its parts and ramifications. These missing links render the work of collecting and putting together the scattered fragments a work beset with difficulties. However, even these scattered fragments will, when put together, exhibit a picture of the court of James I., which will not only be more true but more strange than any picture drawn by the most skilful advocate or the most skilful romance writer. For never was there a more striking example of the truth of the saying that 'truth is stranger than

fiction,' than the scene which is presented to us when the black curtain which has veiled that strange stage is, as it were, rolled up after the lapse of more than two centuries.

One of the strangest features in this conspiracy or plot is this, that King James, who had taken to himself so much credit for the discovery of the Gunpowder Plot and the punishment of its contrivers, was unquestionably to some extent himself a party to this plot, which on the best authority, 'was second to none but the powder plot; that would have blown up all at one blow, a merciful cruelty; this would have done the same by degrees, a lingering but a sure way;'[1] that is, an extensive system of secret poisoning, of which the poisoning of Overbury was only one link, and to which the three hundred examinations taken by Sir Edward Coke afforded a clue. The proof that King James was himself a party to the plot is contained in the fact that he would not permit Coke to follow up this clue; and further that the disgrace of Coke was a consequence of the strong inclination he had shown to follow it up.

It must, however, be at the same time observed that, though James's personal dislike to Prince Henry and to Sir Thomas Overbury may have made him a party to so much of the plot as involved their destruction, in regard to the ulterior objects of the plot, such as the ascendancy of the Popish party and the depression if not destruction of the Protestants as the dominant party in England, and the change of the succession to the crown by the

[1] Bacon's Expostulation with Sir Edward Coke, Bacon's Works (Montagu's edition), vol. vii. pp. 300, 301; and Coke's speech at the arraignment of Sir Thomas Monson, State Trials, vol. ii. p. 949.

destruction of Prince Charles and the Princess Elizabeth as well as Prince Henry, it is by no means clear to what extent King James was a party to it.

At that stage of this plot which immediately followed the death of Cecil earl of Salisbury, the Lord Treasurer—whose removal by *death*, be it observed, was a necessary first step without which nothing could be done—King James was in the hands of three persons: Northampton, Suffolk, and Somerset, two of whom, Northampton and Suffolk, were Papists—three persons who exercised so much power at that time that the kingdom is described as 'groaning under the triumvirate of Northampton, Suffolk, and Somerset.'[1] If Somerset was not also a Papist, he may be regarded as completely under the influence of Papists, since Northampton, who was the only one of the three who possessed any amount of brains, governed Somerset though the influence of Lady Frances Howard, the daughter of his nephew the Earl of Suffolk. It is also to be observed that King James was always really in the power of the minion for the time being. The minion at that time was Somserset, or rather Rochester, for Carr had not been created Earl of Somerset at the beginning of the plot; and so overpowering was Northampton's ambition, or so complete his insensibility to shame, that he did not scruple to sacrifice the honour of a daughter of his house, the ducal house of Howard, to the purpose of obtaining that power over the king which could only be obtained through the reigning minion. A contemporary writer says, 'the first meeting that they had, wherein there was any conference, was at this Earl's

[1] Archbishop Abbot's Narrative, in Rushworth, vol. i. p. 456.

[Northampton] house, who invited the Viscount [Rochester] to sup; and there finding the Countess [of Essex], they, at their pleasure, appointed meetings for further discourses.'[1] There is no doubt that the Countess of Essex, afterwards the Countess of Somerset, knew a great deal both as to the object and extent of this plot. It is also certain that through her Mrs. Turner, who was in her most intimate confidence, knew a great deal. And it is probable that through Mrs. Turner others of the subordinates who were executed for the murder of Overbury knew a good deal. Such was evidently the opinion of Sir Edward Coke, who took their examinations as we shall see.

It is remarkable that Northampton, in some of his letters[2] to the Lieutenant of the Tower on the subject of Overbury, uses precicely the same language in reference to the Protestants which Sir Edward Coke uses in reference to the Papists at the Gunpowder Plot trials. This circumstance appears to me to show that Northampton at that time (September 1613) felt great confidence as to the ultimate success of his plot. And the plot might probably have completely succeeded but for the circumstance, not taken into account in Northampton's subtle calculations, of King James's getting into new hands; in other words, of King James's taking a fancy to a new minion. All the contemporary authorities, from Archbishop Abbot to Sir Anthony Weldon, concur in this view, which the latter has thus expressed in his coarse but graphic manner: 'Had Somerset only complied with Villiers, Overbury's death had still been raked up in his own ashes.'

[1] Truth brought to Light, chap. x.: London, 1651. See also Wilson's Life of James I. folio: London, 1653, p. 66.

[2] These letters will be quoted in a subsequent page.

It is probable that the discovery of this change in James I. towards Somerset by a keen-sighted man like Northampton, and his appreciation of the consequences of it, led to his death in 1614, before the storm arose regarding Overbury's murder. As his was undoubtedly the ablest, if not the only able, head engaged in the plot, with his death the execution of the scheme would stop or at any rate prove abortive. And indeed it will appear from the best evidence that can now be obtained, that, whether Northampton died by poison taken by himelf or given by others, his was the last of no less than six deaths that took place within two years 'with suspicion of poison.' And the examinations taken by Coke indicated many other deaths which the plot comprehended within it. Indeed other deaths are referred to in the following two sentences of a contemporary writer, which give at least a faint outline of the compass of a drama which appears to have almost, if not altogether, escaped the notice of historians.

'There was never known, in so short a time, so many great men die with suspicion of poison and witchcraft. There was first my Lord Treasurer [Cecil earl of Salisbury], the Prince [Henry], my Lord Harrington, his son, Overbury, Northampton, which are no less than six; besides others, in three years and a half.'[1] Among the

[1] Truth brought to Light, &c.: London, 1651, pp. 73, 74, reprinted in Somers's Tracts, vol. ii. p. 263, *et seq.* The words quoted in the text will be found also in vol. ii. p. 411 of Sir Simonds D'Ewes's Autobiography and Correspondence, London, 1845, and are contained in a tract printed from a MS. among the Harleian MSS. in the British Museum. The editor does not seem to have been aware that this is the same tract, with some omissions, as Truth brought to Light, or a Historical Narration of the first Fourteen Years of King James's Reign, London, 1651, and reprinted in vol. ii. of Somers's Tracts, Sir Walter Scott's edition. Sir Walter Scott says in his introductory note to Truth brought to Light, in his edition of Somers's Tracts: 'Wilson has drawn from this publication a great part of the

'others' was the Lady Arabella Stuart, of whose death Wilson says: 'The Lady Arabella Stuart dying about this time in the Tower, set men's tongues and fears awork that she went the same way.'[1]

Though the fate of Overbury formed only one link of the chain by which the fates of all the individuals just mentioned were connected, it became the source of the light thrown not only on itself, but upon the others; which without it might probably have been buried in eternal darkness. Yet it is only within the last few years, and more than two centuries after the event, that any glimpse of the truth respecting the fate of Overbury has been obtained; all that was before made public having been carefully prepared and arranged by some of the subtlest legal intellects of their own or any time to raise a false issue. For it is one of the priviliges of absolute power to efface, when it desires, all traces of its footsteps.

The historical inquirer, in attempting to give a clear statement of this very complicated business, may have the assistance of one of the greatest geniuses the world has ever seen; each matter, on the trial of the Earl of

materials of his Life and History of King James, and often quotes the very words of the pamphlet. As it is now become very rare, it was judged a proper and valuable addition to this collection.' There is a copy of it in Lincoln's Inn Library. Mr. Amos (Great Oyer of Poisoning, p. 46), in saying that 'Michael Sparke, under the affected Latinised name of *Scintilla*, published his Truth brought to Light by Time in the year 1651,' seems to conclude that Michael Sparke was the author of the work, but it is not clear that he was more than the publisher. Mr. Amos also (*ibid.* note) mentions a copy of this work, with MS. notes by Sir James Mackintosh, in the Library of the Athenæum Club. It should be observed that the words in the quotation from Truth brought to Light, 'in three years and a half,' if applied to the deaths of 1. Cecil, 2. Prince Henry, 3. Overbury, 4. Lord Harrington, 5. his son, 6. Northampton, are incorrect; for the first of these deaths took place May 24, 1612, the last before Midsummer, 1614—that is, in the space of two years.

[1] Wilson's Life and Reign of James I. p. 90, folio, 1653.

Somerset, according to the degree of its intricacy or its importance, being exhibited by Sir Francis Bacon the attorney-general, in, to borrow his own words, 'a single, double, or reflex light.' Sir. F. Bacon takes occasion to observe that he 'loves order;' and accordingly, says Mr. Amos, in his very valuable work on the trial, 'we have here before us perhaps the most remarkable specimen, in ancient or modern trials, of the Genius of Order presiding over a systematic arrangement of evidence, deduced, as we learn, from upwards of three hundred examinations.'[1] But this very perfection of order exhibited by Bacon may prove on a closer view but a treacherous guide. For it was attained in a great measure by a sacrifice of truth; many portions of the evidence favourable to the prisoner, and known only to the Crown lawyers, being suppressed, in order that they might not interrupt the current of proof demonstrative of guilt. Hence it forms one of the remarkable characteristics of that age which presents to us the most startling contrasts —examples of the most consummate intellectual power combined with the most complete moral depravity—a combination which was one of the many consequences of the greatness of the kingly power. The combination has been described by Bacon himself, who says that there are persons 'scientia tanquam angeli alati, cupiditatibus vero tanquam serpentes qui humi reptant.[1] And Lord Macaulay has observed that 'to make this discovery Bacon had only to look within;' and that 'the difference between the soaring angel and the creeping snake was

[1] The Great Oyer of Poisoning, p. 233. By Andrew Amos, Esq., late member of the Supreme Council of India: London, 1846.

[2] De Augmentis, lib. v. cap. 1.

but a type of the difference between Bacon the philosopher and Bacon the attorney-general, Bacon seeking for truth and Bacon seeking for the Great Seal.'[1]

As I have said, it is only of late years that the materials for arriving even at an approximation to the truth as regards this portion of English history have been within the reach of historical inquirers. In a carefully written article in the 'Retrospective Review' in 1823 on Sir Anthony Weldon's Court of King James,[2] the writer gives a tolerably fair statement of the chief arguments on both sides of the question whether Prince Henry was poisioned, or died of a 'violent putrid fever.' The writer of this article first says, 'We now arrive at the period of the prince's illness and death, of which his physician, Sir Theodore Mayerne, has left a detailed account in his 'Collection of Cases.'[3] This is a most remarkable illustration of the inaccuracy of historical writers. This writer, though careful and well-informed generally, had evidently not seen what he calls 'Sir Theodore Mayerne's Collection of Cases.' So far is Mayerne's 'Collection of Cases' from containing a detailed account of the prince's illness and death, that all the leaves, as will be shown, relating to Prince Henry's illness and death, are *torn out of the book.* In stating the arguments of those who attributed the prince's death to poison, the same writer shows that 'almost all the contemporary writers, and

[1] Essay on Lord Bacon. To the many examples of hyperbolical adulation of kings may be added Bacon's affirmations that King James's reputation throughout the inquiries respecting Overbury's murder had been like 'the coat of Christ, without seam;' and that his Majesty 'had shown to the world, as if it were written in a sunbeam, that he was the Lieutenant of *Him* with whom there is no respect of persons.'—See Amos, *The Great Oyer of Poisoning*, p. 463.

[2] Retrospective Review, vol. vii. p. 29.

[3] *Ibid.* p. 33.

many others, have inclined to that opinion.'[1] And when he comes to state the arguments on the other side, it appears that those who held that the prince died of a natural disease—Rapin, Hume, Dr. Birch, Dr. Aikin and his daughter—were not contemporaries, but lived a century or a century and a half or more after the event. We have seen the same result in the case of the affair called by James the Gowrie Conspiracy. 'But the most complete proof,' says this writer, 'is to be found in the unanswerable fact, that the prince's body was examined after death, and that no symptoms of his having been poisioned were discovered. Sir Theodore Mayerne, his physician, has left a most accurate[2] account of the prince's illness and death; and from that account, and from the report of the appearances on dissection, there can be no doubt that Prince Henry died of a violent

[1] *Ibid.* p. 36. Weldon, Wilson, and Wellwood, all suggest that Prince Henry was poisoned. Bishop Burnet says:—'Colonel Titus assured me that he had heard from King Charles I.'s own mouth that he was well assured his brother was poisoned by the Earl of Somerset's means.'—*Hist. of his Own Time*, vol. i. p. 19, Oxford, 1833. Charles James Fox, in a letter to the Earl of Lauderdale (no date, but some time in 1800), says:—'I recollect that the impression upon my mind was that there was more reason than is generally allowed for suspecting that Prince Henry was poisoned.'—*Memorials and Correspondence of Charles James Fox*, edited by Lord John Russell, vol. iii. p. 300: London, Bentley, 1854. The same passage of Fox's letter is also given in p. ix. of the preface to his History by Lord Holland. Christina of Sweden, speaking to Whitelock of the death of Prince Henry, inferred that a judgment impended over the House of Stuart. Whitelock's Embassy, Aysc. MSS. Brit. Mus. No. 4991, p. 206. Mr. Brodie had the merit of first calling public attention to the omission, in the printed Journal of Whitelock's Embassy, of the opinion of Queen Christina that King James himself also 'certainly was poisoned.' Whitelock's Journal was not intended for publication, and had better have been left in MS. than printed in a mutilated form.—See *Brodie's History of the British Empire*, vol. ii. p. 16, note, p. 44, note, and p. 127, note.

[2] '*Accurate.*' This is rather a rash term. How could the writer know that it was accurate? He might see that it *simulated* accuracy—nothing more.

putrid fever. Those persons who possessed the best means of forming a correct judgment upon the subject have been uniformly of opinion that the prince's death was not hastened by violence. Sir Charles Cornwallis, who held a place in his household, has denied the fact.'[1] This writer's 'most complete proof' will be found, on a close inspection, to be a 'most complete proof' leading to a very different conclusion from the conclusion 'that Prince Henry died of a violent putrid fever.'

Before I proceed to the important subject of Sir Theodore Mayerne, I will quote what is said by Sir Walter Scott, who will not be charged with any bias against the royal family of Stuart, in regard to the inclination of Sir Charles Cornwallis's opinion. In a note at p. 233 in vol ii. of his edition of Somer's Tracts, Sir Walter Scott says, 'Cornwallis, in this and other passages, seems obliquely to hint a suspicion of foul play.'[2]

It will now be necessary to say a few words respecting a very important though not a prominent actor in this strange and tragical drama. This actor was the celebrated physician Mayerne, who had been one of the physicians to King Henry IV. of France, and whose skill in chemistry was remarkable in his day. Mr. Amos, who has investigated this subject with great labour and ability, speaks of this physician's 'experience in the secret state-poisonings of the French capital.'[3] However that may be, Mayerne had been invited to England by King James to be his own

[1] Retrospective Review, vol. vii. p. 38.

[2] Somers's Tracts, vol. ii. p. 233, note, Sir W. Scott's edition. This note is given to a passage of Cornwallis's account of the prince's illness and death, which will be more particularly considered in subsequent pages.

[3] Amos, The Great Oyer of Poisoning, p. 494.

physician, as Dr. Julio had been invited some years before by Robert Dudley, Earl of Leicester, to be his physician. Julio is reported to have aided Leicester by preparing prescriptions that should effectually cure any upon whom Leicester wished him to exercise his skill.[1] But Mayerne's fate was different from Julio's, whose death was thought to have been brought about by a dose compounded by Leiceister without his assistance; for Mayerne lived and flourished under three Stuart kings; received the honour of knighthood in 1624; was appointed first physician to Charles I. on his accession; and was continued in the same post by Charles II. He died at Chelsea in 1655, in the eighty-second year of his age, and was buried at St. Martin's-in-the-Fields. Mayerne left an immense fortune to his only daughter, married to the Marquis de Montpouvillan, grandson of the marshal Duke de la Force.[2] There is a fine full-length portrait of him in the College of Physicians, which represents a man with rather a good countenance—certainly a much better one than that of his master King James. The beard in the portrait is mostly white, but enough of the original colour remains to show that it has been red. There are parts of the beard of an amber or ginger colour, showing clearly that its original colour was such that he might be called 'a physician with a red

[1] The general character of Leicester as a secret poisoner is indicated by a remark of Fuller, who says that Sir Nicholas Throckmorton died in the house of the Earl of Leicester, Feb. 12, 157$\frac{0}{1}$, in the 58th year of his age, 'not without suspicion of poisoning, the more that his death took place in the house of no mean artist in that faculty.'—See *Jardine's Criminal Trials*, vol. i. p. 61.

[2] Biographie universelle, art. Mayerne-Turquet (Théodore de); Chalmers's Biographical Dictionary, art. Mayerne (Sir Théodore de). There is also an article on Sir Theodore Mayerne in the Supplement to the Biographia Britannica.

beard.' The complexion of the face in the portrait is also clearly that of a fair, ruddy man, whose beard would be of a light red colour, or a reddish brown. The reason for the employment of so many words about the colour of this man's beard will appear in the sequel.

Mayerne was, according to a recently published account of him, brought over to England first by James's queen, Anne of Denmark. He then returned to France, where he remained four years more; and after the assassination of Henry IV., in 1610, he came to England to be physician to James I., who sent a person over to France for him in 1610.[1]

The importance of the services of this Dr. Mayerne in the estimation of his master King James may be seen from the following extracts, which I transcribe from 'An Abstract of his Majesty's Revenue, &c.' published in 1651 in the same volume with the tract entitled 'Truth brought to Light'—

	£	*s.*	*d.*
To Sir Ralph Winwood, Principal Secretary of State, for his fee yearly[2] . . .	100	0	0
To Doctor de Mayerne	400	0	0
To Doctor Craig the elder . . .	100	0	0
To Doctor Craig the younger . . .	100	0	0
To Doctor Atkins	100	0	0
To Doctor Hammonde[3]	100	0	0
To William Goddourous, sergeant-surgeon to the king.	26	13	4
To Peter Chamberlaine, surgeon to the queen .	40	0	0
To Ralph Cleyton, apothecary to the prince, his fee by the year[4]	20	0	0

[1] See the account of him in Dr. Munk's Roll of the College of Physicians, vol. i. pp. 152–157: London, 1861.

[2] Abstract of His Majesty's Revenue, p. 45: London, 1651.

[3] *Ibid.* p. 49. [4] *Ibid.*

	£	*s.*	*d.*
To Sir Edward Coke, knight, Lord Chief Justice of England, for his fee at 224*l.* 19*s.* 9*d.* by the year, and 33*l.* 6*s.* 8*d.* by the year for his circuits [1]	258	6	5

The puisne judges of the King's Bench have each 188*l.* 6*s.* 8*d.*, besides their yearly allowances for their diets in their circuits.

	£	*s.*	*d.*
To George Colmer, the king's cockmaster .	200	0	0
To Sir George Moore, Chancellor of the Order of the Garter, for his fee per annum . .	100	0	0
To John Wood and Robert his son, for keeping and breeding of cormorants, by the year [2] .	45	12	6

If the master of the cockpit and the keeper and breeder of the cormorants were not likely to have such valuable additional fees and perquisites as the judges and the Principal Secretary of State, it is to be observed that Mayerne, the king's chief physician, had probably as large an addition of fees from his private practice among the nobility and the wealthiest people of the kingdom as the Principal Secretary of State and the judges; consequently as his yearly salary was nearly double that of the Chief Justice of England, and quadruple that of the Principal Secretary of State, it may be concluded that his services were more valuable to King James than those of the Chief Justice of England or of the Principal Secretary of State. In the following pages we may perhaps be able to obtain some slight indication—some glimpse, though by no means a full view—of the nature and value of those services.

Having now introduced to the reader Dr. or Sir Theodore de Mayerne as a sort of connecting medium

[1] Abstract of His Majesty's Revenue, p. 39. [2] *Ibid.* p. 47.

running along the chain, the links of which consist of 1, Robert Cecil earl of Salisbury, Lord Treasurer; 2, Prince Henry; 3, Sir Thomas Overbury; 4, Lord Harrington; 5, his son; and 6, the Earl of Northampton; I proceed to endeavour to discover what light has been thrown upon this matter by papers not accessible to historical inquirers till more than two centuries after the author of 'Truth brought to Light by Time' wrote his history.[1] I will first state what is known of the deaths of the persons above mentioned, in the order of time in which those deaths occurred.

Robert Cecil—created by King James Baron Cecil, Viscount Cranbourne, and Earl of Salisbury—was the second son of William Cecil, created Lord Burleigh by Queen Elizabeth, under whom he held office for forty years, first as Secretary of State and then as Lord Treasurer. Whatever difference of opinion may exist respecting the services of the Cecils to England, there can be none respecting their services to themselves. Of Lord Burleigh it has been said by Lord Macaulay that 'he never deserted his friends till it was very inconvenient to stand by them; was an excellent Protestant when it was not very advantageous to be a Papist; recommended a tolerant policy to his mistress as strongly as he could recommend it without hazarding her favour; never put to the rack any person from whom it did not seem probable that useful information

[1] The title of the work referred to—Truth brought to Light by Time—was probably suggested by the date of publication, 1651, nearly forty years after the events related; but there is internal evidence that the work was written long before 1651. It is observable that much of what is called the *Secret History* of King James's reign, whether written then or not, was published during the Commonwealth. Indeed it was only the result of the battles of Marston Moor and Naseby that decided that kings were mortal men, and like other mortal men might be called to account for their deeds.

might be derived; and was so moderate in his desires that he left only three hundred distinct landed estates, though he might, as his honest servant assures us, have left much more, if he would have taken money out of the Exchequer for his own use as many Treasurers have done.'[1]

The difference between the reign of Elizabeth and that of her successor James I. is marked by this among many other things, that of the statesmen who surrounded her throne, only the one above described, William Cecil Lord Burleigh, her Lord Treasurer, was made a peer; and he only obtained the lowest rank in the peerage. Neither did he aspire to assume any great old historical title, which might provoke invidious comparisons. In this, as well as in one or two other matters, there was a strongly marked difference between Lord Burleigh and his son Robert, who had however been educated with the utmost care, had been early initiated in diplomacy and court intrigue, and in these became perhaps more able and adroit than his father had been. When the earldom of Salisbury, which had been held by the Montacutes, the Plantagenets, and the Nevills, was conferred on Robert Cecil, whose name was unknown in the rolls of England's ancient nobility, the contrast might force itself upon the minds of the Englishmen of that time between warrior nobles clad in mail who could raise armies and give battle to kings far more powerful than the Stuart Solomon, and a man of feeble health and deformed body who pursued his ends more after the manner of Lewis XI.'s barber Oliver than of Warwick the King-maker.

Robert Cecil followed the example of his prudent father in paying due attention to his own interest. The old

[1] Lord Macaulay's Essay on Burleigh and his Times.

palace and manor of Hatfield were made over to him in exchange for Theobalds, in the parish of Cheshunt, soon after the accession of James I., who preferred Theobalds from its proximity to Enfield Chase, which was his favourite hunting-ground ; and who never scrupled to dilapidate the Crown property in the gratification of any of his appetites. Sir Walter Raleigh affirms that the Crown was grossly overreached in this exchange by the device of Robert Cecil, who took advantage of his office of Treasurer to value what he received or bought from the Crown at the old rent, while he valued what he gave in exchange at the improved rent. 'He would never,' says Raleigh, 'admit any piece of a good manor to pass till he himself had bought, and then the remaining flowers of the Crown were culled out. Now had the Treasurer suffered the king's lands to have been raised, how could his lordship have made choice of the old rents, as well in that book of my lord Aubigne, as in exchange of *Theobalds*, for which he took *Hatfield*, which the greatest subject or favourite of Queen Elizabeth had never durst have named unto her by way of gift or exchange. Nay, my lord, so many other goodly manors have passed from his Majesty, as the very heart of the kingdom mourneth to remember it.'[1] Raleigh's statement is supported by La Boderie, the French ambassador, who writes under date June 3, 1607, that the Earl of Salisbury had made an exchange of Theobalds for a much better estate, and two hundred thousand francs to build another house.[2] Though Weldon's authority standing

[1] The Prerogative of Parliaments, Birch's edition of Raleigh's Works, vol. i. p. 201.

[2] Ambassades de M. de la Boderie, tom. ii. p. 253. Under date Oct. 11,

alone might not be conclusive, it may be quoted in confirmation of those given above. 'Salisbury had one trick to get the kernel, and leave the Scots but the shell, yet cast all the envy on them. He would make them buy books of fee-farms, some one hundred pounds per annum, some one hundred marks, and he would compound with them for a thousand pound; which they were willing to embrace, because they were sure to have them pass without any control or charge, and one thousand pound appeared to them that never saw ten pounds before an inexhaustible treasure. Then would Salisbury fill up this book with such prime land as should be worth ten or twenty thousand pound, which was easy for him being Treasurer so to do; and by this means Salisbury enriched himself infinitely, yet cast the envy upon the Scots, in whose names these books appeared.'[1] In another place Sir Anthony says, 'in the exchange of Theobalds for Hatfield Salisbury made such an advantage that he sold his house for fifty years' purchase.'[2] Salisbury availed himself of this exchange to enclose Hatfield Chase, a very unpopular act so near London. Weldon goes on to say: 'He fleeted off the cream of the king's manors in many counties, and made choice of the most in the remotest counties, only built his nest at Hatfield. . . And to fit the king's humour as well as to serve his own ends and satisfy his revenge upon some neighbour gentlemen that formerly would not sell him some convenient parcels of

1608, M. de la Boderie writes respecting a passport from the King of France for 500 tons of stone of Caen for the Lord High Treasurer's (Earl of Salisbury's) buildings.—Tom. iv. p. 28. See further information (which if true presents a dark picture not only of the Court of James but of that of Elizabeth) in La Boderie's Dispatches, tom. iv. p. 100.

[1] Weldon, p. 60, edition 1651. [2] *Ibid.* p. 51.

lands neighbouring on Theobalds, he puts the king on enlarging the park, walling and storing it with red deer.'[1]

The reason for the opinion of those who said that Cecil was poisoned, 'not without the privity of Carr,' is given in a story told both by Osborne and by the author of 'Truth brought to Light.' This story is illustrative at once of the character of King James, who, according to Weldon, 'was very liberal of what he had not in his own gripe, and would rather part with 100*l.* he never had in his keeping than one twenty-shilling piece within his own custody,'[2] and of Cecil's adroitness in dealing with it. The king having on one occasion given Carr an order for the sum of twenty thousand pounds upon the Lord Treasurer, the latter took the following course to evade the payment of so large a sum. Having told out five thousand pounds, he laid it in a passage gallery in several papers, and invited the king to breakfast, bringing him through that gallery. The king demanded whose money that was. Cecil answered that is was but the fourth part of that which his Majesty had given to Sir Robert Carr, whereupon the king threw himself upon the heap of money, and scratching out two or three hundred pounds, swore Carr should have no more.[3] Osborne adds that Cecil, not caring to incense the minion too far, gave him the moiety of the sum originally mentioned in the King's order.[4]

[1] Weldon, p. 52.

[2] Sir Anthony Weldons's character of King James, given at the end of his Court of King James. This will be found at the beginning of vol. ii. of the compilation, anonymous, but known to be edited by Sir W. Scott, entitled Secret History of the Court of James the First, 2 vols. 8vo.: Edinburgh, 1811.

[3] Osborne's Traditional Memoirs, c. xxix.

[4] *Ibid.* The author of Truth brought to Light says that the king retired from his former grant, and wished Sir Robert Carr to satisfy himself with the fourth part, that is, the five thousand pounds placed in the gallery.—*Truth brought to Light*, p. 11; and see *Somers's Tracts*, vol. ii. p. 270.

The author of 'Truth brought to Light' concludes his version of this story in these words: 'He [Carr] being thus crossed in his expectancies, harboured in his heart then a hope of revenge, which after happened, as was suspected, but it was not certain, therefore I omit it.'

Cecil died on May 24, 1612, in the 51st year of his age, at St. Margaret's, near Marlborough, on his way from Bath. Sir Walter Scott says, in his note to the above cited passage of 'Truth brought to Light,' 'His death was owing to a tertian ague, with a complication of dropsy and scurvy. But the calumnious ascribed it to the consequences of debauchery, and the suspicious to poison.'[1]

Those modern writers who, like Hume, save themselves all the trouble of research by answering, with a sneer at the credulity of an age that believed in witchcraft and magic, all the stories which ascribed the deaths of princes and ministers to poison, only show thereby their ignorance of the age of which they profess to write the history. It will be shown that, in the opinion of those who have applied to the question the practised skill of thoroughly trained lawyers, the most probable cause of the death of Sir Thomas Overbury was the poisoned clyster applied by the French apothecary Lobell, who was acting under the written prescriptions (of which he delivered twenty-eight leaves or pieces of paper to the hands of the Chief Justice) of the French physician to the king, Dr. Mayerne; and that the next probable cause was the constant repetition, during a long space of time, of arsenic or other drugs, in small doses, scientifically ad-

[1] Somers's Tracts, vol. ii. p. 270, note by Sir Walter Scott; and see Sir Simonds D'Ewes's Autobiography, &c. vol. i. pp. 50, 51, and vol. ii. pp. 334, 335.

ministered. It will also be shown that everything relating to the illness and death of Prince Henry, in Dr. Mayerne's 'Ephemerides' or 'Diaries of Cases,' has been torn out of the volume to which it belonged. In the face of such evidence as this, it can hardly be considered out of the bounds of probability that though Robert Cecil earl of Salisbury may have been suffering from both dropsy and scurvy in the spring of 1612, and though he might never have altogether recovered from those diseases, his death within two months after he came under the chemical operations of Dr. Theodore Mayerne may have been due to Somerset's and Northampton's psychological and moral operations upon Mayerne. In Mayerne's 'Ephemerides' for 1612,[1] the case of Cecil commences at folio 207—13 Martii 1612—and is continued to folio 229. Each folio means two pages. The case is thus generally described by the physician:—'Dominus Thesaurarius de Salisbury—Hydropicus, Scorbuticus—ubi fusius recensentur remedia varia pro Hydropicis, historiæ et methodi.' As it was not judged necessary to tear out these leaves of the doctor's 'Ephemerides,' it is not to be expected that they should contain any confirmation of the suspicion of poison. Neither, however, does the absence of such confirmation prove, in the face of such evidence as exists against Mayerne, that Mayerne did not poison Salisbury. Whether James had or not, Northampton and Somerset had reasons so weighty for getting rid of Salisbury, that they would offer a fee proportionally weighty for his removal.

Besides the personal revenge of Carr towards Cecil for crossing him in his plunder of the public treasury, as

[1] Sloane MSS. 2063, British Museum.

above described, there were other reasons of considerable weight for the supposition that since, as will be shown, there was undoubtedly a plot to take off the principal members of the Protestant party, not as before by gunpowder, but by poison, Cecil was the first victim to this plot, as Prince Henry was the second. Cecil is described by contemporaries such as Sir Simonds D'Ewes, who disapproved of the profligacy of his private life, as a man, 'that howsoever he might be an ill Christian, yet was a good statesman and no ill member of the commonwealth.'[1] And another contemporary writer describes him as 'a good statesman, *the only support of the Protestant faction*, the discloser of treasons, and the only Mercury of our times.'[2]

By the death of Cecil the whole power of the government fell into the hands of the Roman Catholic family of Howard. Thomas Howard, Lord Chamberlain and earl of Suffolk, succeeded Cecil as Lord Treasurer; and it may be concluded that he, partly through his daughter Frances Howard, partly through his uncle Henry Howard earl of Northampton, a man of great skill in the court arts of that time, exercised considerable influence on such a mind, neither powerful nor cultivated, as that of the favourite Robert Carr, who at that time was all-powerful with the king. Moreover, while Thomas Howard earl of Suffolk, was the nephew of Henry Howard earl of Northampton, Thomas Howard earl of Arundel, the grandson and heir of the unfortunate Duke of Norfolk who had been beheaded in 1572, was the nephew of Thomas Howard earl of Suffolk. Charles Howard, a

[1] Sir Simond D'Ewes's Autobiography, vol. i. p. 50: London, 1845.
[2] Truth brought to Light, chap. vi.: London, 1651.

grandson of the second Duke of Norfolk, of the family of Howard, was also at this time earl of Nottingham. Thus, although the dukedom of Norfolk, which had been forfeited in 1572, was not yet revived, there were at this time four earls of the family of Howard, which in some measure might seem to have become almost as powerful as the family of Nevill had been about 150 years before. But it was a very different sort of power, and the difference indicates the vast change that had taken place since 'the last of the barons,' Richard Nevill, earl of Warwick and Salisbury, 'Warwick the King-maker,' fell at Barnet. The Nevills made revolutions and made and unmade kings by their own swords and those of their warlike vassals. They retained a large portion of the warlike and independent spirit which had animated the De Montforts, the Bigods, and the Hotspurs; and their proceedings were directed by no small portion of military genius. The Howards of the beginning of the seventeenth century, who had succeeded to some of the titles and honours of the Bigods, attempted to make a revolution not by the sword and by military genius, but by arsenic and by the genius of Dr. Theodore Mayerne.

We now proceed to relate what can be ascertained respecting the death of Prince Henry, which took place just six months after that of Cecil earl of Salisbury.

Sir Charles Cornwallis, Treasurer of Prince Henry's Household, informs us that one of Prince Henry's habits was frequent eating of abundance of grapes;'[1] a circumstance which also appears from some of Sir Edward Coke's memoranda, and from his examination of the wife

[1] Somers's Tracts, vol. ii. p. 233.

of a confectioner of high Holborn, taken November 28, 1615. This witness, who said she was a Catholic, stated that the Earl of Arundel's steward came about one of the clock in the morning, on May day 1612 to her house, and called her up to provide a banquet for Prince Henry and his brother, 'both of them going a Maying to Highgate with many others.' 'And the banquet was all of dried fruit and rough candied; and was set on the table about six of the clock in the morning;' the earl's steward and two others of his servants having carried it away in a coach, and this witness having gone with them in the coach.'[1]

There is a letter printed by Mr. Amos from the MS. in the State Paper Office (1615, November 18), to Sir E. Coke from Thomas Packwood, Merchant Tailor, in which the writer says: 'The matter I acquainted your Honor with this day was touching one John Feryre, *sometime Master Cook to our late Prince Henry.*[2] This Feryre since was *preferred to serve the Queen's Majesty by the Earl of Somerset,*[3] the particulars whereof I refer to your Honor's collection and further examination; he refused to go with one Richard Keymer, yeoman of the counting-house to the late prince, for that, said he, I am now busy about *the making of jelly for Sir Thomas Overbury, then prisoner in the Tower;* and this Keymer, being a very honest and worthy gentleman, is ready to attend your

[1] MS. State Paper Office, printed in Amos, pp. 483, 484. At the end of the examination are the words 'Exam. per Edw. Coke.'

[2] The words printed in italics are so printed in the copy of this letter in Amos, p. 483.

[3] These words are also printed in italics in Amos. The other words referring to Overbury, I have printed in italics. They are not so printed in Amos; but, when taken in connection with those underlined by Mr. Amos, are very significant.

lordship if you command, and think the matter worthy your consideration.'[1]

This is sufficient to show that Sir E. Coke had entered upon the track; though, as there are no more examinations now to be found relating to this subject, it may be concluded that he did not follow it up; and that this is what Bacon alludes to when, in his expostulation with Sir Edward Coke, he says, 'It almost seemeth a higher offence in you to have done so much indeed, than that you have done no more; you stopt the confessions and accusations of some who, perhaps, had they been suffered, would have spoken enough to have removed some stumbling-blocks out of your way.'[2]

We have no further specific information respecting Prince Henry till towards the end of September, when he entertained the king and his court at his manor of Woodstock. 'At last,' says Cornwallis, in his account of the prince's illness and death, 'their journeys being towards an end, to Woodstock they came.'[3] He then describes a magnificent banquet, on which occasion Prince Henry dined in the same room, but not at the same table, with the king—as Britannicus, when he received his death-draught, dined in the same room, but not at the same table, with Nero. After this banquet, Prince Henry was never well again; 'complaining now and then,' says Cornwallis, 'of a cold, lazy drowsiness in his head.'[4] 'On October 10,' continues Cornwallis, 'Doctor Ham-

[1] Amos, p. 483.

[2] Bacon's Works (Montagu's edition), vol. vii. pp. 300, 301. Amos, p. 482. Franklyn said, 'I could have put the Chief Justice in the right way the first day I came to him.'—*Amos*, p. 228, from MS. in the State Paper Office in Sir E. Coke's handwriting.

[3] Somers's Tracts, vol. ii. p. 232.

[4] *Ibid.* p. 233.

mond, his physician, gave him a softening glister [clyster].' But Mayerne was the chief physician, and he may be supposed to have had a hand in the compounding of this prescription, which produced on the morning of Tuesday, October 13, most alarming and distressing symptoms,[1] similar to those in Sir Thomas Overbury's case.[2] It will be shown that, in the opinion of those who have minutely examined the evidence, including the suppressed examinations still in the State Paper Office, the most probable cause of Overbury's death was a poisoned clyster, applied by Lobell, a French apothecary, under the direction of Mayerne, King James's French physician; and that the next probable cause was the constant repetition, during a long space of time, of arsenic or other drugs, in small doses, scientifically administered by the same royal physician, Mayerne.[3]

In one of the suppressed examinations, that of Paul de Lobell, apothecary, taken October 3, 1615, Lobell said 'That Sir Thomas Overbury was sick of a *consumption*, and that he never ministered any physic to him but by the advice of Monsieur Mayerne, for which he had his hand, and doth yet remain in writing, what physic in every particular thing was given him, which now he delivered to the hands of the Chief Justice, containing twenty-eight leaves, or pieces of paper, great or small, which is all the physic that this examinant ministered to him.'[4] And further light as to the employment of this

[1] See Somers's Tracts, vol. ii. p. 233.

[2] See the evidence of Payton on Somerset's Trial, State Trials, vol. ii. p. 978, and in Amos, p. 98. See also the evidence of Weston to the same effect, published from the MS. in the State Paper Office, in Amos, p. 177.

[3] See Amos, p. 490.

[4] MS. State Paper Office; Domestic Papers, 1615, Oct. 3, No. 168. Amos, p. 167.

Lobell to 'minister physic' to Overbury is furnished by another of the suppressed examinations; that of another apothecary, also a Frenchman, John Woolf Pomler, who said 'That he was never appointed to minister to Sir Thomas Overbury; but, at the commendation of Monsieur Maierne to the king, Paul de Lobell was appointed, because he dwelt near to the Tower, in Lyme Street, to minister such physic as Monsieur Maierne should prescribe. And said that he did not write to the Lieutenant about his admittance to minister to Sir Thomas, or that it was the king's pleasure he so should do, neither did this examinant move his Majesty ever for Paule de Lobell.'[1]

Now it is remarkable that, as in Sir Thomas Overbury's case, there was a wasting away of the body,[2] which gives a colour to the assertion, or suggestion at least, that he died of a *consumption*, so Prince Henry's case presented some of the same characteristics; for Cornwallis says, speaking of the prince's state of health after the banquet at Woodstock before mentioned, 'But now did he look still more *pale* and *thin* from day to day, complaining now and then of a cold, lazie drowsiness in his head.'[3] An inference from this might be, that in both cases there had been, during a long space of time, a constant repetition of arsenic, or other drugs, in small doses, scientifically administered. It has been shown, from the suppressed

[1] MS. State Paper Office; Domestic Papers, 1615, Oct. 5, No. 176. Amos, p. 168.

[2] '*Paul de Lobell examined*, saith that on the 3rd of July he made Sir Thomas Overbury a bath by Dr. Mayerne's advice to cool his body, and that he did see his body very exceeding fair and clear, and again he saw his body (being dead) full of blisters, and so *consumed away* as he never saw the like body.'—*Somers's Tracts*, vol. ii. p. 323; *State Trials*, vol. ii. p. 921.

[3] Somers's Tracts, vol. ii. p. 233. Just before Cornwallis uses the words 'engendered by some *unknown causes*,' on which Sir W. Scott has the note quoted in a former page.

examination of Paul de Lobell, that he delivered to the Chief Justice twenty-eight leaves, or pieces of paper, containing Mayerne's prescriptions for Overbury. But these prescriptions are, as might be expected, not to be found now. And this brings us to the most important piece of evidence regarding the death of Prince Henry. We have shown that those who take the side of the question that Prince Henry died a natural death ground their strongest argument in support of that view on the assertion that Sir Theodore Mayerne 'has left a detailed account of the prince's illness and death in his "Collection of Cases;"' and 'that no symptoms of his having been poisoned were discovered on dissection.' It is evident that those who wrote thus had never seen Sir Theodore Mayerne's 'Collection of Cases,' or 'Ephemerides,' and have made a confusion between that and the report of 'The Dissection of the Body of Prince Henry,' signed by Mayerne and five other physicians, one of them being Hammond, who administered the deadly 'softening clyster' above mentioned. There was no chemical analysis made; there were no chemical tests applied. The report stated that 'the stomach was in no part offended.' Of course, they would find that he died a natural death. But their report will not preclude a rehearing of the case; more particularly as the strongest argument in favour of that natural death is found to be just the other way. For everything relating to Prince Henry's illness and death has been *torn out* of Sir Theodore Mayerne's 'Collection of Cases.'

There are among the Sloane MSS. in the British Museum several volumes of Sir Theodore Mayerne's 'Ephemerides Anglicæ.' In the volume for 1612–13[1]

[1] Sloane MSS. 2064, British Museum.

there is a hiatus or gap from page 48 to page 65, showing that everything relating to the illness and death of Prince Henry has been torn out. On the page immediately preceding the leaves torn out, i.e. on page 48, there are some remains of sealing-wax, indicating that the leaves relating to the case of Prince Henry had been first *sealed up*. Afterwards, as the sealing up was not considered sufficient security, the leaves appear to have been torn out. At the end of this MS. volume of Mayerne's 'Ephemerides' is an index in the same hand as the prescriptions, namely, his own—a very good and very legible hand; so plain that there could be no danger—as in the cases of physicians who write illegible hands—of Dr. Mayerne's poisoning his patients by mistake. In this 'index' there is this entry:—

'Relation de la maladie et mort de Monsr. Le Prince Henry, f. 49.'

And the next entry in the index is:—

'My Ld. Rochester, Debilitas Ventriculi, f. 65.'

It is to be particularly noted that each number following the letter f., or folio, indicates a leaf, i.e. two pages. Therefore the gap from 48 to 65 indicates that sixteen leaves, or thirty-two pages, have been torn out. So that it is quite clear that the whole of the prescriptions relating to Prince Henry, and filling thirty-two folio pages, have been torn out.

On Sunday, October 25, 1612, Prince Henry dined with King James at Whitehall.[1] Almost immediately after dinner the prince complained of a 'shivering, attended with great heat and headache, which from that

[1] Cornwallis's Account of Prince Henry's illness and death, Somers's Tracts, Scott's edition, vol. ii. p. 234.

time never left him;' and he was obliged 'suddenly to take leave, and go to St. James's to bed.' He had ate with a 'seeming good appetite,' and had heard two sermons in the morning. The same evening he was 'tormented with an excessive thirst, which never afterwards abated.'[1] On the following day, Monday, 'Dr. Mayerne, his Majesty's chief physician, appointed him a softening glister'[2] [clyster].

Prince Henry died at eight o'clock in the evening of November 6, 1612. He was eighteen years, eight months, and seventeen days old. King James never visited him during his last sickness; but, as Sir Charles Cornwallis writes, 'His Majesty, being unwilling and unable to stay so near the gates of sorrow, removed to Theobalds, to wait there the event.'[3].

On the day following, the 7th of November, a report of 'The Dissection of the Body of Prince Henry' was issued, intended to give a complete refutation of the rumour that he had been poisoned, and certifying that 'the stomach was in no way offended.' At the end of this report there is this imposing attestation, which would appear to have imposed upon not a few, at least of those who lived a century or more after the time, for it did *not impose upon contemporaries.*

'In witness whereof with our hands we have subscribed this present relation the 7th day of November 1612.

'Dr. Mayerne, Dr. Palmer,
Dr. Atkins, Dr. Gifford,
Dr. Hammond, Dr. Butler.'[4]

[1] Cornwallis's Account of Prince Henry's illness and death Somers's Tracts, Scott's edition, vol. ii. p. 234.
[2] *Ibid.* p. 235. [3] Somers's Tracts, *ibid.*
[4] Truth brought to Light, chap. xv. pp. 25–27; London, 1651.

It is a singular result that while to the minds of contemporaries who knew nothing of the powers of analytical chemistry this certificate of six physicians appeared to carry no conviction that Prince Henry died a natural death, writers who lived a century and a half or two centuries after the event, at a time too when the powers of analytical chemistry were known, should express themselves as Hume and Mr. Hallam have done. Hume's conclusion on the subject is what might have been expected from his ignorance of the historical facts of the period of which he professed to write the history. [1] But Mr. Hallam's conclusion is the more surprising, both from his usual industry and sagacity, and from his living at a time when the process of discovering poison in the human body by chemical analysis was well understood. Mr. Hallam is of opinion that 'the symptoms of Prince Henry's illness and the appearances on dissection were not such as *could* result from poison.' Mr. Amos might well say: 'Mr. Hallam's and Hume's conclusions seem to be drawn too positively. It does not appear that, upon the occassion of the dissection of Prince Henry's body, any search was made after poisons; no chemical tests, such as are now universally applied for discovering poisons, appear to have been adopted. In Mayerne's collection of cases for which he wrote prescriptions, everything that relates to Prince Henry's last illness is torn out of the book.' [2]

[1] It is instructive to observe, in the cases of Hume and Dr. Lingard, how extremes meet. Hume has exerted all the powers of the most unscrupulous advocacy to defend the worst of the Stuarts; and Dr. Lingard, in the face of the most positive evidence which was not accessible to Hume, argues that the king's sensitiveness about Somerset's demeanour and speeches at his trial arose from overweening affection; and here as elsewhere, under a tone of calmness and candour, he carefully keeps the truth out of sight.

[2] Amos, The Great Oyer of Poisoning, p. 497.

It is certainly strange that writers of such ability as Hume and Hallam should have expressed themselves so positively on such a matter as this. In doing so they have quite overlooked two important considerations—the one political, the other chemical. A thoroughly searching investigation of the cause of Prince Henry's death was precluded first by the power of the parties suspected, and secondly by the state of chemical science. Dr. Christison, discussing the tests for the oxide of arsenic in the solid state, says: 'In the ruder periods of analytic chemistry we find Hahnemann recommending a retort as the fittest instrument, and stating ten grains as the least quantity he could detect. Afterwards Dr. Black substituted a small glass tube, coated with clay, and afterwards well heated; and in this way he could detect a single grain. In a paper published in the 'Edinburgh Medical and Surgical Journal,' I showed how a sixteenth of a grain might be detected; and, more lately, how so minute a quantity might be subjected to this test as a hundredth part of a grain.'[1]

So little was that age acquainted with the art of chemical analysis, that even about half a century after there were not known any means of detecting a solution of arsenic so highly concentrated that six and even four drops were a mortal dose. In the year 1659, during the pontificate of Alexander VII., it was observed at Rome that many young married women became widows, particularly those who had become tired of their husbands. And some twenty years later the Marchioness de Brinvilliers and her accomplice Sainte Croix poisoned so

[1] Christison on Poisons, p. 179.

many people at Paris that the Parisians said that no young physician, while introducing himself to practise, had ever so speedily filled a churchyard as Madame Brinvilliers. But it is a complete proof of the ignorance at that time of analytical chemistry that in neither of these cases was the poisoning discovered by chemical analysis. In the first case mentioned, namely the extensive poisoning at Rome in 1659, the government used great vigilance to detect the poisoners; and at length discovered a secret society of young wives, whose president was an old woman, by name Spara. It appeared that Spara, who was a Sicilian, was a pupil of Tofana, from whom the poison called Aqua della Tofana, or Aqua Tofana,[1] derived its name.

Tofana or Tofania was a Sicilian by birth, and resided first at Palermo and then at Naples. When she first began to exercise her profession is nowhere related; but it must have been at a very early age, and before 1659. Garelli expressly says that she was alive in prison at Naples not long before 1718; and Keysler, who visited Naples in 1730, likewise asserts that she was then living in prison. He describes her as a little and very old woman. Garelli, who was chief physician to the emperor, wrote to Hoffman that Tofania (or Tofana) confessed that she had used her poison, i.e. the Aqua Tofana, to poison more than 600 persons. This he learnt from the emperor himself, to whom the whole criminal process instituted against her was transmitted. Inextinguishable thirst was one of the symptoms of the Aqua Tofana, which was said to produce no violent

[1] It was also known under the name of Acquetta di Napoli, or simply Acquetta; and later as Acqua or Acquetta di Perugia.

symptoms—no vomiting, or but very seldom. It was limpid as rock water, and without taste. Four or six drops were reckoned a sufficient dose; but the general opinion was that it could be so tempered or managed as to prove fatal in any given time, from a few days to a year or upwards.[1] Various accounts of its composition have been given. Garelli positively asserts it to have been nothing but a solution of chrystallized arsenic in a large quantity of water, with the addition, for some unknown reason, of a very innocent herb, the *Antirrhinum cymbalaria.*[2]

Whether or not Mayerne had in the course of his chemical researches made some discovery similar to that of Tofana, the case of Overbury as well as that of Prince Henry leads to the conclusion that his method of proceeding was a repetition of small doses for a considerable period of time, that is, for at least several weeks, and in addition a powerful clyster. It was the opinion of two of the most acute and disciplined legal intellects of that age, Coke and Bacon, that poisoning would be employed to an extent equal to that to which Tofana and Brinvilliers afterwards employed it. And in the face of all this it is futile to treat the theory of Prince Henry's

[1] 'In the present day it may be doubted if a medical man could indicate with certainty any poisonous preparation of which the effect should be fatal, but should nevertheless be suspended for two months, or even a week. And perhaps good scientific testimony could be produced negativing the quality of being a slow poison to any of Franklin's drugs, *unless, indeed, they be repeated in small doses for a considerable period of time.*'—*Amos, The Great Oyer of Poisoning*, pp. 348, 349.

[2] Encyclopædia Britannica, Aqua Tofana. The account of Tofana or Tofania and of Aqua Tofana in Beck's Medical Jurisprudence (7th edition, p. 757, note) does not appear to be either so complete or so accurate as that in the Encyclopædia Britannica, the writer of which says that the curious chapter on *Secret Poisons* in Beckmann's *History of Inventions* had been of great assistance to him in pointing out authorities.

having been poisoned as modern historians have treated it.

Lord Dartmouth, in a note to Burnet's 'History of his Own Times'[1] appears to be on the wrong track when he says 'If he (Prince Henry) was poisoned by the Earl of Somerset, it was not upon the account of religion, but for making love to the Countess of Essex; and that was what the Lord Chief Justice Coke meant, when he said, at the Earl of Somerset's trial, 'God knows what went with the good Prince Henry, but I have heard something.' Even if Coke had said what has been attributed to him, that he meant what Lord Dartmouth says, is merely an assertion of which Lord Dartmouth could bring no proof. And this circumstance of speeches on the Prince's death; as connected with the murder of Sir T. Overbury, is, as Mr. Amos has remarked, 'illustrative of the uncertainty of historical evidence regarding discourses and speeches.'[2] For in Bacon's *expostulation* with Sir E. Coke, he says, 'Though you never used such speeches as are fathered upon you.' There were many far more real causes for deadly enmity not only between Somerset and Prince Henry, but between King James and Prince Henry, than making love to Lady Frances Howard, Countess of Essex. One of these is thus related in the petition of Carew Raleigh, the only surviving son of Sir Walter Raleigh, to the Long Parliament.

'Seven years after Sir Walter Raleigh's imprisonment he enjoyed Sherburn; at which time it fell out that one Mr. Robert Car, a young Scotch gentleman, grew in great favour with the king; and having no fortune, they

[1] Vol. i. p. 11.

[2] The Great Oyer of Poisoning, p. 484.

contrived to lay the foundation of his future greatness upon the ruins of Sir Walter Raleigh. Whereupon they called the conveyance of Sherburn in question, in the Exchequer Chamber, and for want of one single word (which word was found notwithstanding in the Paper-book, and was only the oversight of a clerk) they pronounced the conveyance invalid, and Sherburn forfeited to the Crown; a judgment easily to be foreseen without witchcraft, since his chiefest judge was his greatest enemy, and the case argued between a poor friendless prisoner and a king of England. Thus was Sherburn given to Sir Robert Car, after Earl of Somerset; the lady Raleigh with her children, humbly and earnestly petitioning the king for compassion on her and hers, could obtain no other answer from him, but that 'he mun have the land, he mun have it for Car.' She being a woman of a very high spirit, and noble birth and breeding, fell down upon her knees, with her hands heaved up to heaven, and in the bitterness of spirit beseeched God Almighty to look upon the justness of her cause, and punish those who had so wrongfully exposed her and her poor children to ruin and beggary. What hath happened since to that royal family is too sad and disastrous for me to repeat, and yet too visible not to be discerned. But to proceed: Prince Henry, hearing the king had given Sherburn to Sir Robert Car, came with some anger to his father, desiring he would be pleased to bestow Sherburn upon him, alledging that it was a place of great strength and beauty, which he much liked, but indeed, with an intention to give it back to Sir Walter Raleigh, whom he much esteemed. The king, who was unwilling to refuse any of the prince's

desires (for indeed they were most commonly delivered in such language, as sounded rather like a demand[1] than an intreaty) granted his request; and to satisfy his favourite, gave him twenty-five thousand pounds in money. But that excellent prince *within a few months was taken away; how and by what means is suspected by all*, and I fear was then too well known by many. *After his death the king gave Sherburn again to Sir Robert Car.*'[2]

Now here is shown ground for both fear and hatred towards Prince Henry, on the part both of King James and Somerset—ground much more solid than that alleged by Lord Dartmouth. Prince Henry may be with justice supposed to have been regarded by James and Somerset—and by a man of more subtlety than James or Somerset. Northampton[3]—as an enemy, dangerous and hateful then, and every year he lived likely to become more dangerous. Whatever causes there might be for 'delivering his desires to the king in such language as sounded rather like a demand than an intreaty,' it was not to be expected that James, who was very sensitive and tenacious about his dignity, should regard a son (real or nominal) who overawed him with any very vehement affection. The prince's warlike propensities, too, must have been a source of constant irritation and annoyance to James, as being in such direct opposition to all his own tastes and habits.

[1] This statement is confirmed by Osborne, who says that 'the king, though he would not deny anything he plainly desired, yet it appeared rather the result of fear than love.'—*Trad. Mem. of King James*, c. xxxviii.

[2] Birch's edition of Sir Walter Raleigh's Works, vol. i. pp. cxvi. cxvii.

[3] It came out in the course of the examinations taken by Sir E. Coke in connection with the murder of Sir T. Overbury, 'that Northampton said the prince, if ever he came to reign, would prove a tyrant.'—*State Trials*, vol. ii. p. 965.

But the evidence goes farther than this. In addition to the direct testimony of Bacon,[1] that the Lord Chief Justice, Sir Edward Coke, was desirous of bringing forward on the trial for the murder of Overbury, the question of Prince Henry's death; Coke, on the arraignment of Sir Thomas Monson, who was accused as an accessory in Overbury's murder, made use of the following remarkable expressions: 'For other things, I dare not discover secrets; but though there was no house searched, yet such letters were produced which make our deliverance as great as any that happened to the children of Israel.'[2] And Bacon, in his celebrated expostulation with Sir Edward Coke, says:—'This best judgments think; though you never used such speeches as are fathered upon you, yet you might well have done it, and but rightly; for this crime was *second to none but the powder plot*;[3] that would have blown up all at one blow, a merciful cruelty; this would have done the same by degrees, a lingering but a sure way; one might by one be culled out, till all opposers had been removed. Besides, that other plot was scandalous to Rome, making popery odious in the sight of the whole world; this hath been scandalous to the truth of the whole gospel; and since the first nullity to this instant, when justice hath her hands bound, the devil could not have invented a more mischievous practice to our state and church than

[1] State Trials, vol. ii. pp. 962 and 965. [2] *Ibid.* vol. ii. p. 949.

[3] It is a fact of great significance that the Lord Chief Justice Coke and the Attorney-General Bacon, use language as strong as, and in some instances identical with, the language of the suppressed examinations. In a paper in Sir E. Coke's handwriting published by Mr. Amos from the original in the State Paper Office, Franklyn says: 'I think, next to the Gunpowder Treason, there was never such a plot as this is.'—*Amos*, p. 228.

this hath been, is, and is like to be. God avert the evil.'[1] And in his heads of the course he meant to take on Somerset's trial, Bacon says: 'I shall also give in evidence, in this place, the slight account of that letter which was brought to Somerset by Ashton, being found in the fields soon after the late prince's death, and was directed to Antwerp, containing these words, 'that the first branch was cut from the tree, and that he should, ere long, send happier and joyfuller news.'[2] Bacon, in the same paper, thus proceeds: 'And for the rest of that kind, as to speak of that particular, that Mrs. Turner did at Whitehall show to Franklin the man, who, as she said, poisoned the prince, which, he says, was a physician with a red beard.[3] . . . That Somerset with others would have preferred Lowbell the apothecary to Prince Charles. . . . That the countess [of Somerset] told Franklin, that when the queen died, Somerset should have Somerset House. That Northampton said, the prince, if ever he came to reign, would prove a tyrant. That Franklin was moved by the countess to go to the Palsgrave, and should be furnished with money.'[4]

Now the postils[5] of the king to these suggested

[1] Bacon's Works, Montagu's edition, vol. vii. pp. 300, 301.

[2] Birch's 4to. edition of Bacon's Works, vol. iii. p. 493, *et seq.* State Trials, vol. ii, pp. 964, 965.

[3] See ant. p. 368, the description of Mayerne's portrait. Mrs. Turner, from her confidential intimacy with Lady Frances Howard, knew more than any of the others who were executed for Overbury's murder; and it was from her that Franklin and Weston and others received information which made Chief Justice Coke give considerable weight to their statements made in their various examinations.

[4] Birch's 4to. edition of Bacon's Works, vol. iii. p. 493, *et seq.*; State Trials, vol. ii. pp. 964, 965. See also Amos, The Great Oyer of Poisoning, pp. 445–447.

[5] That this is the proper word is evident from the derivation from the Latin *postilla*, though the French *apostille* would seem to have led to the

charges of Bacon form a commentary which lets in some light upon the words in the passage just quoted from Bacon's expostulation with Coke, 'since the first nullity to this instant, when justice hath her hands bound.' For though we have the authority of Coke the lord chief justice, and Bacon the attorney-general, that there had been a plot or conspiracy 'second to none but the powder plot,' only that it was to be carried out or executed by arsenic and other poisons, and not by gunpowder, yet King James in his postills to Bacon absolutely forbids the momentous subjects indicated in the above-cited words of Bacon to be inquired into or even whispered. What was the exact nature of the plot cannot now be known with any degree of certainty. But the evidence indicates that it went so far as the removal by poison, not only of Prince Henry, but of Prince Charles and the Princess Elizabeth, and of all who might be opposed to such a course—such as Cecil, the earl of Salisbury, and Lord Treasurer; and the friends of Prince Henry, as Lord Harrington and his son.

The following passage in Sir Simonds D'Ewes's autobiography throws further light on this dark business:—'He [Prince Henry] had formerly expressed his distaste against Henry earl of Northampton, second son of Henry Howard earl of Surrey, and disdained there should be any the least motion of a marriage between Theophilus Lord Howard of Walden, the eldest son of Thomas earl of Suffolk, and the Princess Elizabeth his

English apostyle. There is a passage of Bacon himself quoted by Johnson under the word 'To postil, to gloss, to illustrate with marginal notes,' which exemplifies the usage of the word. 'I have seen a book of account of Empson's, that had the king's hand almost to every leaf by way of signing, and was in some places *postilled* in the margin with the king's hand.'

sister. He was a prince rather addicted to martial studies and exercises than to goff, tennis, or other boys' play; a true lover of the English nation, and a sound Protestant, abhorring not only the idolatry, superstition, and bloody persecutions of the Romish synagogue, but being free also from the Lutheran leaven. He esteemed not buffoons and parasites, nor vain swearers and atheists, but had learned and godly men, such as were John Lord Harrington of Exton, and others, for the dear companions of his life; so as had not our sins caused God to take from us so peerless a prince, it was very likely that popery would have been well purged out of Great Britain and Ireland by his care.'[1] Sir Anthony Weldon has also recorded, in terms somewhat similar to those here used by D'Ewes, Prince Henry's dislike of the Howard family, and has indeed used language implying that if they did not destroy him, he would destroy them.[2] If there was any good ground for believing that the language which Weldon represents Prince Henry as using concerning the Howard family came to the knowledge of Northampton and Suffolk, they would have had strong reasons for taking measures for the prince's destruction. D'Ewes also alludes, but very cautiously, to the story of Prince Henry's having been poisoned with grapes. 'It is not improbable but that he might overheat and distemper himself in some of those sports and recreations he used in his company; but the strength of his constitution and the vigour of his youth

[1] Sir Simonds D'Ewes's Autobiography and Correspondence, vol. i. p. 48, printed from the Harleian MSS. in the British Museum: London, Bentley, 1845.

[2] Weldon, p. 85.

might have overcome that, had he not tasted of some grapes as he played at tennis, supposed to have been poisoned.'[1]

D'Ewes may be supposed here to set down in his diary merely a report he had heard, without having any special authority for such report. But Mrs. Turner had better means of obtaining accurate information on this point; and, in her conference with Dr. Whiting on November 11, 1615, she says 'She heard say that the *prince* was poisoned at Woodstock with a bunch of grapes.'[2]

There is little doubt that Mrs. Turner could have told more; for did she not show to Franklyn at Whitehall the physician with the red beard who poisoned the prince?

In the same conference between Dr. Whiting and Mrs. Turner, in Sir E. Coke's handwriting, and indorsed by him 'Mrs. Turner's confession after judgment, November 11,' Mrs. Turner said:—

'"If any were in it that I know, it was the Lord Privy Seal" [the Earl of Northampton]. Whereupon the doctor [Whiting] said, "But you know some were in it, therefore," &c.; to whom she said, "Conclude what you will." And being demanded whether the earl [of Northampton] was poisoned, or that he did poison himself, as the world talked, she said, "I cannot tell that, but he could die when he list. All the letters that came from the Lord

[1] D'Ewes's Autobiography, vol. i. p. 47.

[2] The whole of the paper in which these words occur, which paper is in the handwriting of Sir E. Coke, was published by Mr. Amos from the MS. in the State Paper Office.—See *The Great Oyer of Poisoning*, pp. 219–222. The paper is endorsed by Lord Coke 'Mrs. Turner's Confession after Judgment, 11th November.'

of Somerset to the lady came in the packet of the Earl of Northampton, and from him she had them.

. . . . . .

'She vehemently exclaimed against the court. "O the court, the court! . . . it is so wicked a place, as I wonder the earth did not open and swallow it up. Mr. Sheriff, put none of your children thither."'[1]

At the end of the paper in Coke's hand, from which these passages are extracted, there are these words:—

'Written out of Dr. Whiting's notes, instantly written with his own hand. EDW. COKE.'

In reference to Mrs. Turner's expressions respecting the Earl of Northampton, it may be observed that the part taken by Northampton in the murder of Overbury gives strong support to the opinion expressed both by Coke and Bacon; and to the assertions of the witnesses examined by Coke, and conferred with by Whiting and others, that a plot existed much more extensive than the murder of Overbury, which was only one item of it, the murder of Prince Henry being another. It is improbable that a man of Northampton's rank, wealth, and abilities, should have involved himself in the murder of Overbury merely to gratify the vindictive passions of a daughter of his nephew the Earl of Suffolk.

The place which so competent a judge as Sir Walter Raleigh has assigned to this Earl of Northampton by the side of two such men as the two cousins, Robert Cecil earl of Salisbury, and Sir Francis Bacon, proves that he was really a remarkable man, something more than a very learned and studious nobleman, something more than

[1] *Ibid.*

Bishop Godwin called him, 'the learnedest man among the nobility, andthe most noble among the learned.' Sir Walter Raleigh's saying implies much more, if he said, or, as has been reported, used to say, that the Earl of Salisbury was a good orator but a bad writer; the Earl of Northampton a good writer but a bad orator; but that Sir Francis Bacon excelled both as an orator and a writer.

Henry Howard, created Earl of Northampton in 1604 by King James, very soon after his accession to the crown of England, was the second son of the unfortunate and accomplished Earl of Surrey, distinguished both as a soldier and a poet, who was the eldest son of Thomas Howard, second Duke of Norfolk of the family of Howard, and who never succeeded to the dukedom or the other titles of his father—though he is generally styled Earl of Surrey—having been beheaded by Henry VIII. in 1547. Henry's elder brother, Thomas Howard, who became Duke of Norfolk in 1554 on the death of his grandfather, and was beheaded in 1572 by Queen Elizabeth, was one of the many victims of Robert Dudley earl of Leicester, who employed Candish, one of his creatures, to inveigle the weak and unfortunate Duke of Norfolk into the toils which his artifice had prepared for him in the matter of Mary Queen of Scots. The treacherous artifice of Leicester is shown in the mode by which he worked upon his victim's vanity, telling him he could not see how there could be a good end to the Queen of Scots' matter unless she should marry some Englishman, adding, 'and, to be plain with you, I know no man so fit as yourself;' and artfully employing Candish to report favourably to the duke of the Queen of Scots, and to declare that 'he had been so bold with

her that he had charged her with all that was objected against her, and found her answers sufficient to overthrow her enemies' allegations.'[1] Thomas Howard, a younger son of the Duke of Norfolk, who suffered death for his unfortunate correspondence with Mary Queen of Scots, a nephew of Henry Howard earl of Northampton, and the father of Frances Howard, first Countess of Essex, and afterwards Countess of Somerset, was created Earl of Suffolk July 21, 1603, only a few months after the accession of King James, who showed a disposition to favour the near relatives of that Duke of Norfolk who had suffered on account of his mother; for Henry Howard was not only made Earl of Northampton, but Lord Privy Seal, warden of the Cinque Ports, and constable of Dover Castle; and Thomas Howard, besides being created Earl of Suffolk, was made Lord Chamberlain, and afterwards, on the death of Cecil, Earl of Salisbury, Lord High Treasurer. But King James's favour would seem to have had a strange effect upon them. For if the family of Howard had suffered the loss of life, and estates, and honours under the Tudors, they suffered the loss of *honour*, which is a somewhat different commodity from *honours*, under the Stuarts.

Whether it arose from his having inherited some large estates, or from the revenues of those various high offices he held under the crown, the wealth of the Earl of Northampton was reckoned to be very great,[2] and far beyond his necessities, for he died unmarried. He built

[1] See Jardine's Criminal Trials, vol. i. pp. 177, 178, and note.

[2] Besides the offices above mentioned it appears, from the following passage in the letter he wrote to the Earl of Somerset just before his death, that he had other large sources of revenue from the Crown:—'If I die before Midsummer, the farms of the Irish customs are not to pay me, though it be

the house at the Charing Cross end of the Strand, which still remains, under the name of Northumberlaud House, as a relic of past times. It was first called Northampton House, then Suffolk House, having passed to Northampton's nephew, the Earl of Suffolk.[1] 'If the generally received opinions,' observes Mr. Amos, 'concerning the murder of Sir T. Overbury are true, it was most probably in this edifice, which forms a remarkable constituent in our earliest impressions derived from the London streets, that the imprisonment and poisoning of Sir T. Overbury were plotted.'[2]

Historical inquirers passing in review the many advantages of Northampton—great wealth, high rank, high office, and very considerable abilities—have been struck with the apparent inconsistency of his conduct in engaging himself in such transactions as the divorce of the Countess of Essex and the murder of Sir Thomas Overbury. Mr. Amos[3] mentions a learned and philosophical work of the Earl of Northampton, of which the object was to expose the vulgar errors connected with prognostications of future events by dreams, oracles, astrology, and other delusive means. And it would seem from the expression of Mrs. Turner, quoted in a former page, who, when asked whether Northampton was poisoned or poisoned himself

but one day before, which were a great wound to my fortune.' This letter is published in Mr. Amos's valuable volume entitled The Great Oyer of Poisoning, The Trial of the Earl of Somerset, &c., p. 232.

[1] See Osborne's Trad. Mem. of King James, c. 5; and Sir Walter Scott's extract from Lloyd's Worthies, p. 780, in Secret Hist. of the Court of King James, vol. i. p. 153. See also the tract printed from the Harleian MSS. under the title of Secret History of the Reign of King James I. and the same as Truth brought to Light in D'Ewes's Autobiography and Correspondence, vol. ii. p. 395.

[2] Amos, The Great Oyer of Poisoning, p. 43.

[3] *Ibid.* pp. 43, 44.

as the world talked, answered, 'I cannot tell that, but he could die when he list,' that she judging probably from his repute for learning and his studious habits, thought him a sort of wizard; an opinion which, if adopted by his Majesty, who was much addicted to the burning of witches, might have put him in danger of being burnt for a wizard. Besides the published work above mentioned, the Harleian, Bodleian, and Cottonian collections contain several manuscripts of this Earl of Northampton, consisting of speeches, small treatises, poems, devotional works, and prayers. 'A letter to the Archbishop of Canterbury,' says Mr. Amos,[1] 'accompanies one collection of prayers, wherein the Earl writes "that he had tasted, by experience of private devotional exercises for the space of many years, what comforts they work in a faithful soul." The earl's piety and charity have been lauded on account of his having erected and endowed three hospitals, one at Greenwich, another at Clare, in Shropshire, and another at Castle Rising, in Norfolk. It is a singular circumstance in the history of mankind, that a person of such exalted rank and station, so eminently distinguished for learning and abilities, so respected and admired during his life, so benevolent in the outward manifestations at least of charity, so pious in the language at least of prayer and holy meditation, should now be generally represented by historians as a principal agent in a murder accompanied with circumstances of consummate craft and the deepest malignity.'

But the singularity and inconsistency are not so apparent when the case is more minutely examined. For, though his learning and abilities may be admitted, the greater number of contemporary historians are very far from re-

[1] Amos, The Great Oyer of Poisoning, p. 44.

presenting him as 'respected and admired during his life.' Against the writer of 'Aulicus Coquinariæ,' and the author of Saunderson or Sanderson's 'History of James I.,' who are the same person and by no means a trustworthy authority, are to be placed Wilson, Weldon, Sir Simonds D'Ewes, and the author of 'Truth brought to Light.' Sir Simonds D'Ewes's opinion of Northampton may be concluded to have been very unfavourable from the passage quoted in a former page in reference to Prince Henry's 'distaste against Henry earl of Northampton,' and his esteem for 'learned and godly men, such as Lord Harrington, and not for buffoons and parasites, nor vain swearers and atheists.' Sir Anthony Weldon, in his strong and coarse but characteristic style of drawing, describes Northampton as a great clerk, yet not a wise man, but the grossest flatterer of the world;'[1] as never loving his nephew the Earl of Suffolk 'but from teeth outwards,' after the loss of the Treasurer's place, which was given to Suffolk and not to him upon the death of Cecil.[2] According to Wilson, Northampton was 'a known Papist, bred up so from his infancy, yet then converted, as he pretended, by the King, being the closest way to work his own ends.'[3]

But the writer who throws most light on the expression of Mrs. Turner, 'if any were in the plot that I know, it was the Lord Privy Seal,' is the author of 'Truth brought to Light,' who says: 'Henry Howard, continuing a Papist from his infancy even unto this time, being famous for his

[1] This account agrees with that of Beaumont, the French ambassador, who describes him as one of the greatest flatterers and calumniators that ever lived.

[2] Weldon's Court of King James, p. 14: London, 1651.

[3] Arthur Wilson's Life and Reign of King James I., folio, 1653, p. 3.

learning, having been trained up a long time in Cambridge, by the persuasion of the King changeth his religion in outward appearance, and to the intent to reap unto himself new honours, became a Protestant, from which cause he was created Earl of Northampton, and had the king's favours bountifully bestowed upon him; first the office of Privy Seal, then the wardenship of the Cinque Ports, and lastly the refusal[1] of being Lord Treasurer. This man was of a subtle and fine wit, of a good proportion, excellent in outward courtesy, famous for secret information and for cunning flatteries, and by reason of these qualities became a fit man for the conditions of these times, and was suspected to be scarce true to his sovereign, but rather endeavouring, by some secret ways and means, to set and broach new plots for to procure innovation. . . The Papists being a strong faction, and so great a man being their favourer, grew into great malice.'[2]. . . 'In this man [Sir T. Overbury] may we see the misery of such as fall into the hands of Popish Catholics, for by Northampton's means was this strictness shown towards him.'[3]

There are two letters of Northampton to the Lieutenant of the Tower in reference to the disposal of Sir Thomas Overbury's body, which afford conclusive evidence of Northampton's hatred not only to Overbury but to the Protestant party. Both these letters are without date.

[1] This, it will be observed, differs from Sir A. Weldon's account, and is probably the more correct statement.

[2] Truth brought to Light, &c.: London, 1651, chap. 3.

[3] *Ibid.* chap. 26. The expression 'Popish Catholics' requires some explanation. La Boderie, the French ambassador in England from 1606 to 1611, notices a distinction which at that time seemed to be made in England between *Catholics* and *Papists*, *Catholics* being 'those who only seek the exercise of their religion under the obedience of the Prince,' *Papists* being 'those who wish to spread some doctrine to his prejudice in favour of the Pope.'—*Ambassades de M. de la Boderie en Angleterre*, tom. i. p. 161.

In the first he says, 'If the knave's body be foul, bury it presently; I'll stand between you and harm; but if it will abide the view, send for Lidcott,[1] and let him see it, to satisfy the damned crew. When you come to me, bring me this letter again yourself with you, or else burn it.

'NORTHAMPTON.'[2]

In the second letter Northampton uses these words:—

'Let me entreat you to call Lidcote and three or four friends, if so many come, to view the body, if they have not already done it; and so soon as it is viewed, without staying the coming of a messenger from the court, in any case see him interred in the body of the chapel within the Tower instantly.

'If they have viewed, then bury it by and by; for it it time, considering the humors of that damned crew, that only desire means to move pity and raise scandals. Let no man's instance cause you to make stay in any case, and bring me these letters when I next see you.

'Fail not a jot herein, as you love your friends; nor after Lidcote and his friends have viewed, stay one minute, but let the priest be ready, and if Lidcote be not there, send for him speedily, pretending that the body will not tarry. Yours ever.' 'In post haste at 12.'[3]

It will be observed that in both these letters the phrase 'the damned crew' occurs; and it is remarkable that Sir Edward Coke uses the same phrase when as attorney-general conducting the trials for the Gunpowder Plot. 'Observe,' he says, 'the sending of Baynham, one of the

[1] Sir J. Lidcote, or Lydcote, brother-in-law of Sir T. Overbury.

[2] Amos, The Great Oyer of Poisoning, p. 173. Mr. Amos gives this letter, which is not transcribed in Winwood's Memorials, from the Cotton MSS. in the British Museum.

[3] Winwood's Memorials, vol. iii. p. 48, from Cotton MSS.

damned crew, to the high priest of Rome, to give signification of this blow, and to crave his direction and aid.'[1] Mr. Jardine says that this Sir Edmund Baynham was 'captain of the Damned Crew,' but admits that 'there are no traces of this society in any contemporaneous author, or in the unpublished correspondence of the time.'[2] I am inclined to the opinion that by the phrase 'damned crew' Sir E. Coke in this passage merely meant to indicate the party in general at that time styled the 'Popish Catholics' or 'Papists;'[3] and moreover that Northampton, in these letters cited above, meant by the phrase 'damned crew' to indicate the Protestants. This opinion is confirmed by the words of the author of Truth brought to Light, who gives the following account of a letter of Northampton to Rochester [Somerset]:—'At last he concludes, that God is gracious in cutting off ill instruments before their time; some of the factious crew had a purpose, if he [Overbury] had got out, to have made some use of him: from whence may be gathered how that Northampton held Protestants factious.'[4] It is quite evident that the phrase 'factious crew' is here used in the same sense as 'damned crew' in the letters before cited.

It is clear that Sir Edward Coke attached considerable importance to the evidence of Franklyn, as well as to that of Mrs. Turner; and since Mrs. Turner was in the most confidential intimacy with the Countess of Somerset, and Franklyn was joined with Mrs. Turner in what may be called a matter of secret and criminal trust—the murder

[1] Jardine's Criminal Trials, vol. ii. p. 136.

[2] *Ibid.* note. See also *ibid.* p. 47.

[3] See the note in preceding page and the reference to La Boderie, the French ambassador.

[4] Truth brought to Light, chap. 28.

of Overbury—it may be concluded that through Mrs. Turner's communications Franklyn knew a great deal respecting the secret designs of the 'triumvirate, Northampton, Suffolk, and Somerset.' In a paper in Sir Edward Coke's handwriting, published by Mr. Amos from the orignal in the State Paper Office, there is a confession of Franklyn, in which he may be supposed to refer to the king under the words 'greater persons in this matter than were yet known.' On this occasion[1] Franklyn expressly names the Lord Treasurer (the Earl of Suffolk), and subsequently, on the morning of his execution, December 9, 1615, he said 'that there were three other great *lords in this foul fact not yet named*[2] [besides the Earl of Somerset, the Lord of Northampton, and that other great lord whom the doctor . . .]'[3] The 'other great lord whom the doctor . . .' is probably the Earl of Suffolk, whom he had named before. 'The other three great lords not yet named' cannot now be 'named' with any degree of certainty. They might be conjectured with some probability by a minute examination of Northampton's haunts and associates. It is pretty certain they were Papists of the same type as Northampton.

As the confessions of Franklyn, made on November 28, 1615, and recorded in the paper in the State Paper Office in Sir Edward Coke's handwriting, may be regarded as comprising the information Franklyn had received from

[1] Nov. 28, 1615, No. 326. MS. State Paper Office, Amos, p. 227.

[2] Mr. Amos says (p. 224):—'The parts in italics are interlineated in the originals, and in some instances the interlineations are written over erasures.'

[3] MS. State Paper Office, 1612, Dec. 9, No. 355, Amos, p. 226. To this Mr. Amos appends the following note:—'In the margin opposite the words in brackets is written, in Sir Edward Coke's handwriting, "omit that is between the strike." Accordingly this part is omitted in a contemporary copy preserved in the State Paper Office.'

Mrs. Turner, who had received it from the Countess of Somerset, they may be accepted as a tolerably accurate though fragmentary account of the plot.

'Franklyn said, the Lord Treasurer [Suffolk] being named, that he was as far in as himself.

'He said that the Lady of Somerset was the most imprudent woman that lived.

'He confessed that he said at the bar to some near to him that there were greater persons in this matter than were yet known, and so, in truth then, said he, there are, and that, although the Chief Justice has found and sifted out as much as any man could, yet that he is much awry, and has not come to the ground of the business, for more *were to be poisoned and murdered than are yet known; and he marvelled that they have not been poisoned and murdered all this while.*[1] He said further, that the man was not known that gave him [Overbury] the clyster, and that was it that did the deed. He said "I could have put the Chief Justice in the right way the first day I came to him."

'And being asked whether he should not have had an hundred pounds to be employed to the Palsgrave and the Lady Elizabeth, answered, "An hundred! nay, five hundred. I will not say however much."

'He said that the Earl of Somerset and the countess had the most aspiring minds that ever were heard or read of.[2]

[1] See the last note but one as to the words in italics.

[2] The inference from this and other passages in the examinations is, that Somerset and his countess aimed at the Crown. The scheme, however, seems very wild and impracticable, even with the assistance of Northampton's abilities, directed by an ambition thoroughly unscrupulous and, as his letters to the Lieutenant of the Tower respecting Overbury show, even inhuman.

'He said that the Earl of Somerset had a great book of . . . . and . . . . to rise, which book Franklyn had once; and said that the earl neither loved the prince[1] nor the Lady Elizabeth. "I could say more, but I will not."

'"Do not you . . . . the king used an outlandish physician and an outlandish apothecary about him [Prince Charles] and about the late prince, deceased? Therein," said he, "lyeth a long tale."

'Being told that the queen had been extraordinarily sick and pained, and her young children taken away, said he, "Soft, I am not come to it yet."

'He said, "I think next the Gunpowder Treason there was never such a plot as this is. I could discover knights, great men, and others. I am almost ashamed to speak what I know."

'It was said to him that it was not possible that so young a lady as Somerset should contrive such a plot without some help. "No, no," said he, "who can think otherwise? for the lady had no money, but the money was had from the old lady, out one day 200*l.* and another day 500*l.*, for she wanted no money."

'He said that there is one living about the town that is fit to be called and questioned about the plot against the Earl of Essex.

'He said, "I can make one discovery that should deserve my life."'[2]

[1] It would appear from what follows that 'the Prince' here means Prince Charles.

[2] MS. State Paper Office, 1615, Nov. 28, No. 326, in Sir E. Coke's handwriting. Amos, pp. 227-229.

ESSAY VIII.

SIR THOMAS OVERBURY.

WE now come to the case of Sir Thomas Overbury, whose death was the third of the six deaths that took place 'with suspicion of poison' in the space of two years.

Sir Thomas Overbury, one of King James's legion of knights, was the eldest son of Nicholas Overbury, of Bourton on the Hill, in Gloucestershire. In Michaelmas Term, 1595, he became a gentleman commoner of Queen's College, Oxford, 'in the year of his age fourteen,' says Anthony à Wood.[1] From Oxford he went to the Middle Temple, of which society his father was a bencher.[2] He does not appear, however, to have devoted more time to the mysteries of pleading or conveyancing than was necessary for the attempt to make 'an Inns of Court man' and 'a meer common lawyer'[3] ridiculous in a caricature, as Wycherley picked up just as much law as was necessary to make a petifogging attorney amusing in a comedy.

[1] Wood's Ath. Oxon, art. Thomas Overbury. There is a long article on Sir Thomas Overbury in the Biographia Britannica. There is also one in Chalmer's Biographical Dictionary.

[2] Sir Simonds D'Ewes's Autobiography, vol. i. p. 68: London, 1845. Though D'Ewes is incorrect in calling Sir Thomas Overbury's father Thomas, he was not likely to be incorrect in calling him 'one of the ancient benchers of the Middle Temple,' since D'Ewes was himself a member of the Middle Temple.

[3] These are the titles of two of Overbury's 'characters,' most of which would be much more correctly designated 'caricatures' than 'characters.'

Fortune, however, threw in the way of Overbury what appeared at first sight a far shorter, easier, and more tempting road to distinction than the steep and thorny path of the law. But that tempting road to what might seem wealth and honour was a path that led Overbury to an untimely death; and, what was worse, to the loss of honour as well as life. And the fate of Overbury shows how much more dangerous a place was the court of James I. than the court of Charles II. Wycherley owed his introduction to the court of Charles II. to the favour of the Duchess of Cleveland. Overbury owed his introduction to the court of James I. to the favour of Robert Carr. Low as was the morality of the court of Charles II., it was not darkened by those clouds of crime that hang in black masses over the court of James I., and more or less envelop the figures of all the principal courtiers—that of Overbury among the rest. There were women, too, in the court of Charles II.—Sarah Jennings, for example, afterwards Duchess of Marlborough—whose characters were irreproachable.

According to Aubrey, 'old Sir Robert Harley of Brampton Brian Castle, who knew him, would say, 'twas a great question who was the proudest, Sir Walter Raleigh or Sir Thomas Overbury, but the difference that was, was judged on Sir Thomas's side.'[1] Sir Walter Raleigh had some reason to be proud. To say nothing of Raleigh's other great accomplishments, as soldier, sailor, statesman, historian, philosopher, the few short poems which he has left are perhaps unequalled both in thought and expression. Of Overbury's writings, on

[1] Aubrey's Lives, vol. ii. p. 509: London, 1813.

the other hand, the literary merit is not great; and Overbury had no pretensions to any of the qualities of a daring soldier and sailor which have made Raleigh's name so famous.

Mr. Hallam[1] says 'The Microcosmography of Bishop Earle is not an original work in its plan or mode of execution; it is a close imitation of the "Characters" of Sir Thomas Overbury. They both belong to the favourite style of apophthegm, in which every sentence is a point or a witticism. Earle has more natural humour than Overbury, and hits his mark more neatly; the other is more satirical, but often abusive and vulgar.' This is true, and cost Overbury his life. The 'Fair and Happy Milkmaid,' often quoted,' continues Mr. Hallam, 'is the best of his characters. The wit is often trivial and flat; the sentiments have nothing in them general or worthy of much resemblance.'

These last words I do not clearly understand. If they mean that the opinions have in them nothing of profound penetration and universal truth, such as appear in the writings of Bacon and in some of those of Raleigh, I agree with them. As far as I can judge—and writing with a due sense of what critics are apt to forget, that criticism is easy and art is difficult—Overbury's 'characters' are written in a strained, forced, very artificial style or manner, as if the writer were putting himself into convulsions to try to say smart things; and many of his smart things, as his characters of 'an Old Man,' of 'a Puritan,' of 'a Rhymer,' could only come from a man whose heart was as depraved as his taste in writing. His

[1] Literature of Europe, vol. iii. p. 664.

'Wife,' though exhibiting no great poetical genius, is not so bad as his prose 'characters;' I mean not so offensively cynical, or abusive on things which are not a fair subject of satire; for example, the infirmities of old age. When Shakespeare puts a satirical remark on the vices or infirmities of age into the mouth of any of his dramatic characters, it may be ascribed to the dramatic situation. But Overbury's insulting over the infirmities of age in his character of 'an Old Man' is the insolence of a young man swelling with the pride of courtiership—a strange pride—of being the friend of Carr, the wretched minion of King James.[1]

[1] It is a proof that Overbury's writings were read for more than a century after his death that the tenth edition of his Works was published in 1753. The following is the title-page of this volume:—'The Miscellaneous Works in Verse and Prose of Sir Thomas Overbury, knt., with Memoirs of his Life. The tenth edition. London: printed for J. Banquet, at the White Hart, in Paternoster Row, 1753.' Savage wrote a tragedy on the story of Sir Thomas Overbury, the faults of which 'ought surely to be imputed,' says Johnson, 'to a cause very different from want of genius, and must rather excite pity than provoke censure. During a considerable part of the time in which he was employed upon this performance, he was without lodging, and often without meat; nor had he any other conveniences for study than the fields or the streets allowed him; there he used to walk and form his speeches, and afterwards step into a shop, beg for a few moments the use of the pen and ink, and write down what he had composed upon paper which he had picked up by accident. Of this play, acted, printed, and dedicated, the accumulated profits arose to an hundred pounds, which he thought at that time a very large sum, having been never master of so much before.'—*Johnson's Life of Savage*, in his *Lives of the Poets*, vol. ii. pp. 301–304: London, 1821. Johnson characterises the story as 'well adapted to the stage, though perhaps not far enough removed from the present age to admit properly the fictions necessary to complete the plan.' The words which Johnson adds suggest some curious reflections. He says: 'For the mind, which naturally loves truth, is always most offended with the violation of those truths of which we are most certain; and we of course conceive those facts most certain which approach nearer to our own time.' And yet the facts of the case of Overbury were kept shrouded in darkness till long after the death of Savage and Johnson. If fictions were 'necessary,' there was no want of them, the whole story, as brought out by the combined artifices of the king and his law officers, being a work of fiction.

There are one or two touches in Overbury's character of a milkmaid that are suggestive, not by resemblance, but by contrast, of the tainted atmosphère of James's court. 'Never,' he says, 'came almond-glore or aromatic ointment on her palm to taint it. She doth not by lying long in bed spoil both her complexion and conditions. Her breath is her own.' Writers of the present day appear to lament the degeneracy of the age when describing the modern lady 'arraying her artillery on the toilette table.' Was there really ever a time when 'the girl of the period' did not 'dye her hair and paint her face?' Except among the Puritans. Indeed it was against cosmetics as well as tyranny that Puritanism became a formidable insurrection. And in the seventeenth century the artillery of the toilette table displayed engines rather more formidable than it does in the nineteenth. On the toilette tables of ladies in the seventeenth century might be seen small glass phials with this inscription, 'Manna of St. Nicholas of Barri,' and ornamented with the image of the saint. Those elegant small glass phials contained the 'Aqua della Tofana,' and provided far more effectual means of getting rid of husbands than would be safe in the present state of the science of analytical chemistry.

At that time a painted mask covered the whole of high European society. The painting of the women's faces seems to have been carried farther in Spain than in England,[1] to judge from the impression made on the Englishman in the service of Prince Charles, who made

[1] The expression in Hamlet—'Get you to my lady's chamber, and tell her, let her paint an inch thick, to this favour she must come'—shows that the custom of painting the face was practised in England in Shakspeare's time.

a journey into Spain in 1623. 'Towards evening I went to my Lord of Bristol's to wait upon my lady; and in my return through one street, I met at least five hundred coaches; most of them had all women in, going into the fields (as they usually do about that time of the day) to take the air. Of all these women, I dare take my oath, there was not one unpainted—so visibly, that you would think they rather wore vizards than their own faces. Whether they be handsome or no I cannot tell, unless they did unmask' [that is, wiped off their paint]; 'yet a great number of them have excellent eyes and teeth;—the boldest women in the world, for as I passed along, numbers of them called and beckoned to me: whether their impudence or my habit was the cause of it, I cannot tell.' Again the painting is thus described. 'After some time's expectance, enters the Queen's ladies, by two and two, and set themselves down upon the carpets that lay spread upon the ground. There were some sixteen in number of them; handsome I cannot say any one of them was, but painted more (if it were possible) than the ordinary women; not one of them free from it, though some of them were not thirteen years old. . . . The Queen has a lovely brown face through her vizard [her paint], 'for she doth paint as thick and as palpably as any of her women.'[1]

The fetid mass of corruption which lay under the thick coat of outside paint is strikingly and beautifully described in one of those short poems supposed to have

[1] A Brief Relation of what was observed by the Prince's Servants in their Journey into Spain in the year 1623, by Sir Richard Wynne of Gwydir, reprinted in vol. ii. of Sir Simonds D'Ewes's Autobiography. The extracts given above are from vol. ii. pp. 445, 446, 447, 448.

been written by Sir Walter Raleigh a short time before his death, of which the first two stanzas run thus:

'Go, Soul, the body's guest,
Upon a thankless arrant,
Fear not to touch the best,
The truth shall be thy warrant.
Go, since I needs must die,
And give them all the lie.

'Go, tell the Court it glows,
And shines like painted wood;
Go, tell the Church it shows
What's good, but does no good.
If Court and Church reply,
Give Court and Church the lie.'[1]

I have remarked that Overbury's 'characters' appear to show that the writer of them aimed at the somewhat dangerous distinction of being a wit and a satirist.

There is no part of King James's character on which we possess more conclusive evidence than his implacable vindictiveness. I have in this volume given one or two examples of this. The fate of Overbury and the fate of Raleigh are further examples. Both of them had given James some personal offence which he never forgave. Aubrey tells a story that 'at a consultation at Whitehall, after Queen Elizabeth's death, how matters were to be ordered and what ought to be done, Sir Walter Raleigh declared his opinion, 'twas the wisest way for them to

[1] The Farewell, in Birch's edition of Raleigh's Works, vol. ii. p. 396. When we see how few of Raleigh's poetical writings have come down to us (in Birch's edition of his works his poems only occupy ten pages), we naturally regret that he who wrote so well wrote so little. But there is reason to think that several of his poems have been lost. Spenser, in his letter to Raleigh respecting the Fairy Queen, and elsewhere, alludes to what appears to have been a poem written by Raleigh in celebration of Elizabeth under the name of Cynthia, not now known to exist. Those two friends, Raleigh and Spenser, were nearly of the same age, Raleigh having been born in 1552 and Spenser in 1553.

keep the government in their own hands, and set up a commonwealth, and not be subject to a needy beggarly nation; it seems there were some of this cabal who kept not this secret, but that it came to King James's ear.'[1] In regard to Overbury's cause of offence, if King James was not a wise, he was, as has been seen, on the authority of no friendly critic, Sir Anthony Weldon, a witty man. Overbury was also a wit, and a war of repartee is always dangerous where one of the parties is a king. A man who is at once proud and a wit is apt to use words at times that have a sting in them. Roger Coke relates that it 'was commonly said that Sir T. Overbury had vented some stinging sarcasms upon the court, which came to the king's hearing.'[2]

The history of Overbury is an instructive commentary upon the dying words of Mrs. Turner respecting the court of King James. 'Mr. Sheriff, put none of your children thither.' What has been said of ancient Rome may, with due allowance for the difference in extent of power, be said of James's court. 'Its enmity might be dangerous, but its friendship was fatal. None ever escaped with life and honour from that deadly embrace.' Some, such as Sir Thomas Overbury, lost both life and honour.[3] Others, such as Prince Henry and the Ruthvens, escaped with honour, but not with life. Even poets and philosophers were not exempted from the common

[1] Aubrey's Lives, vol. ii. p. 515: London, 1813.

[2] Roger Coke's Detection of the Court and State of England, vol. i. p. 75, 4th edition: London, 1719.

[3] If the suspicion that Salisbury died of poison be well grounded, he too may be said to have lost both life and honour; however, he indemnified himself in the manner before mentioned, and by his rapacity incurred such 'a general hate, almost of all sorts,' says Sir Simonds D'Ewes (Autobiography, vol. i. p. 51), 'that infamous libels were made of him after his death, instead

doom. The contagion of that moral pestilence has left indelible traces even on immortal names.[1]

Sir Simonds D'Ewes mentions a report or rumour that, as will be shown, appears not to be well founded. D'Ewes says: 'The Scots have a constant report amongst them, as I learned from one of them, that Sir Thomas Overbury, seeing divers crossings and oppositions to happen between the Prince and Rochester [Somerset], by whose means only he expected to rise; and fearing it would in the end be a means to ruin Rochester himself, did first give that damnable and fatal advice of removing out of the way and world that royal youth by fascination, and was himself afterwards in part an instrument for the effecting of it; and therefore, say they in Scotland, it happened by the just judgment of God, afterwards as a punishment upon him, that he himself died by poison.'[2]

of funeral elegies.' In one of these epitaphs, quoted by Osborne (Memorials of King James, c. 29), he is thus described:—

'Here lies, thrown for the worms to eat,
Little bossive Robin, that was so great:
Not Robin Goodfellow, nor Robin Hood,
But Robin, the encloser of Hatfield Wood
Who seem'd as sent from ugly fate,
To spoil the prince, and rob the state:
Owning a mind for dismal ends,
As traps for foes, and tricks for friends.'

[1] Bacon's conduct in regard to the unfortunate Earl of Essex before the accession of James proves that under any circumstances Bacon would not have left behind him the character of an honest man; but it is possible that without the example of his royal master he might have escaped the infamous imputations that now rest upon his name. How closely he followed the royal example appears from certain passages in Sir Simonds D'Ewes's Autobiography, which have been suppressed by the editor as 'too gross for publication.' (MS. Harl. 646, pp. 59, 60.) Such is the result of Cæsarism: when

——'Componitur orbis
Regis ad exemplum.'

[2] Sir Simonds D'Ewes's Autobiography, vol. i. p. 91: London, 1845.

Now this report seems inconsistent with the following words in Somerset's mysterious letter to the king: 'I will say no further, neither in that which *your majesty* doubted my aptness to fall into.'[1] This appears to indicate that the idea of 'removing' the prince came from the king, and not from Overbury. That Overbury, however, had a guilty knowledge of this dark business, I think there can be little doubt.

There is evidence of the unfavourable disposition of King James towards Overbury in several contemporary letters from the court. Mr. Packer, in a letter to Sir R. Winwood, dated April 22nd, 1613, says that the king sent the Lord Chancellor and Lord Pembroke to offer an ambassage to Sir T. Overbury, which Sir Thomas immediately refused, and that 'some said, he added some other speech which was very ill taken,' and that thereupon the king sent for the Council, and, after making an angry speech, gave order to them to send Sir T. Overbury to prison.[2] The Earl of Southampton, writing to Sir R. Winwood on August 4th, 1613, that is after Sir T. Overbury had been more than three months a close prisoner in the Tower, observes, 'much ado there hath been to keep Sir T. Overbury from a public censure of banishment and loss of office, such a rooted hatred lyeth in the king's heart towards him.'[3] These last words imply that the king had some much deeper cause of enmity towards Overbury than the latter's declining the offer of an embassy. What that cause was it is vain to inquire. That it was not a slight cause may be inferred from the effects.

[1] Somers's Tracts, vol. ii. p. 356, Sir W. Scott's edition.

[2] Mr. Packer to Sir R. Winwood, April 22, 1613. Amos, p. 486.

[3] The Earl of Southampton to Sir R. Winwood, August 4, 1613. Amos, p. 485.

But Overbury had excited against himself the hatred of others about the court besides the king; the hatred of the Earl of Northampton, and of Frances Howard the daughter of Northampton's nephew, the Earl of Suffolk. Frances Howard had been married at the age of thirteen to the Earl of Essex, a boy of fourteen. These children being too young to live together, Essex was sent to continue his education abroad; and his young countess, who was celebrated for her beauty, remained with her mother, the Countess of Suffolk, a woman of bad character, if contemporary reports may be believed. It is here to be observed that it is only from the contemporary letters of foreign ministers that anything approaching to the truth respecting the powerful, that is, the king and his court and ministers, can be obtained. Many a battle was to be fought, many a terrible charge was to be given, by the parliamentary pikemen and cuirassiers, before liberty of speech and liberty of the press were to be obtained. At that time a king and his courtiers might be polluted by vices and crimes of which brutes might be ashamed; but his subjects must not, on the peril of a death of torture and ignomony, breathe a whisper of censure. There is an Italian M.S. letter in the British Museum presenting in a few words a picture of the court of James I. which, if unsupported by other evidence, might, as Lord Macaulay observed when the letter was shown to him, be rejected as drawn by a hostile hand.[1] This letter is from Maffeo Barberini, Archbishop of Nazareth, Papal Nuncio in France, afterwards Cardinal and Pope Urban VIII., to Cardinal Aldobrandini, Papal Secretary of State, is dated Paris, March 20, $160\frac{5}{6}$, and describes in very dark

[1] Additional MS. 6784, fo. 32, British Museum.

colours the modes in which the king, the queen, and several of the principal courtiers pursued their respective pleasures or vices. Among the persons specified are the mother of this Lady Frances Howard, and 'il Baron Cecilio;' and a letter of La Boderie, the French ambassador at the English court, dated December 13, 1608, shows that the story was not an invention of the writer of the Italian letter.[1].

According to the concurring evidence of many contemporary authorities, this Countess of Suffolk was a very profligate woman; and if there had been at that time any question about improving the people of England by 'giving them mothers,' there would not have been much chance for children to whom were given mothers like her.

The true story of Sir Thomas Overbury's death is to be sought for in the suppressed examinations—in the examinations of which all portions were suppressed that did not promote the object which the king sought. This object was the removal of Somerset from his place of royal favourite. Among all the examples of base and abject flattery furnished by the reign of James I., there is none more revolting than the fact that Sir F. Bacon, with the knowledge of the case which he possessed, should have seized every opportunity of extolling James for the 'princely zeal for justice' which he represents him to have manifested. Justice, indeed, was the last thing James thought of, however much he and his parasites might talk about it. If justice required the hanging of the murderers of Overbury, King James himself ought to have been hanged first, then his French physician Mayerne, and next the French apothecary Lobell. It may be true that Frances

[1] Ambassades de M. de la Boderie, tom. iv. p. 100.

Howard, first Countess of Essex, and, after her divorce from the Earl of Essex, Countess of Somerset, made a very vigorous but a very bungling attempt to poison Overbury, for which attempt Helwysse, Franklin, Weston, and Mrs. Turner were hanged, while the Countess of Somerset, whose instruments they were, was pardoned—another example of King James's 'princely zeal for justice.' But according to Mr. Amos's ingenious hypothesis, Sir Thomas Overbury was really murdered by King James, through the instrumentality of his French physician Mayerne and a French apothecary Lobell. And Mr. Amos asks, 'May not all this have occured contemporaneously with, and independently of, a blind and bungling design of a passionate and revengeful woman to accomplish Overbury's death?'[1]

I have shown in the preceding essay, from the suppressed examinations, that Lobell was appointed to 'minister such physic as Mayerne should prescribe' to Sir Thomas Overbury; and that Lobell delivered to the hands of the Chief Justice twenty-eight leaves of paper, which contained all the prescriptions which Mayerne wrote for Overbury's case. These prescriptions, like those written for Prince Henry, are not now known to exist. There were probably pretty strong reasons for their destruction. But out of the three hundred examinations taken by Sir Edward Coke—although, as might be expected, many are not to be found—yet some have been discovered among the MSS. deposited in the State Paper Office, which throw considerable light upon this dark transaction.

One of the most curious as well as important of these suppressed examinations which have been brought to light

[1] Amos, The Great Oyer of Poisoning, p. 494: London, 1846.

by the laborious and skilful researches of Mr. Amos, is the examination of Edward Rider or Ryder, whose mother appears to have been the owner of the house occupied by Lobell. The heading of this examination is written in Sir E. Coke's handwriting, and is in these words: 'The examination of Edward Rider, all of his own handwriting, taken this 9th of November 1615, upon his oath.'

The statement of this witness, thus headed, is as follows:

'About the beginning of the term I had occasion to go with my mother to Doctor Lobell's house, a walled one, where, when I had received my mother's rent of Mr. Lobell's wife, Mr. Lobell began to question with me about the death of Sir Thomas Overbury, and asked me what I did hear of it; unto whom I answered, that I heard no speech of it. Whereupon he began to discourse about the proceedings of my Lord Chief Justice concerning the death of the said Sir Thomas, saying that they went about to prove him poisoned; but, said he, he was not poisoned, but died of a consumption proceeding of melancholy, by reason of his imprisonment; speaking very hardly against those that went about to prove Sir Thomas to be poisoned, saying that the clyster which they pretend was the cause of his death (for which his son was called into question) was prescribed unto him by Mr. Doctor Mayerne, the king's doctor, and that his son had made it according to his directions (not once speaking of his man to have any hand in it); and used very reproachful words, saying that our English doctors were all but fools, speaking wildly of Dr. Butler and others, as also of Mr. Chamberlyne, the queen's chirurgeon, who doth not like the proceedings of Monsieur Mayerne, whom Doctor Lobell commended to be the bravest doctor, and that

there was never a good doctor in England but Mayerne; to whom I answered, that I had heard otherwise in Paris, that he was indeed a braver courtier than a doctor; but he continued still in his commendations, dispraising all others; and so after other to the same effect we departed.'[1]

This is a very important piece of evidence: first, as showing that it was the original intention to deny altogether that Overbury was poisoned, and to assert that he died of consumption; secondly, as showing that an opinion prevailed to some extent at that time in Paris as well as in London that Mayerne '*was a braver courtier than a doctor*;' and that the witness had heard unfavourable reports of him in Paris. But the remaining part of the deposition of this witness, Edward Rider, is exceedingly important, as showing the admission of Lobell the elder that it was not consumption of which Overbury died, but that the clyster prescribed by Mayerne, 'the king's doctor,' was the proximate cause of his death. The deposition of Edward Rider thus proceeds:—

'About a week after I went abroad with my wife about some business, and by accident we met with Dr. Lobell and his wife, near unto Merchant Tailors' Hall; where, after salutations on both parts, I asked him what he now did hear about the death of Sir Thomas Overbury, telling him that now it is too manifest that he was poisoned. I also told him that I heard it was done by an apothecary's boy in Lime Street, near to Mr. Garret's, speaking as if I knew not that it was his son's boy, although I knew that it was his son's boy that did the deed; and Mrs. Lobell standing by, hearing me say that

[1] MS. State Paper Office, 1615, Nov. 9. No. 276. Amos, The Great Oyer of Poisoning, pp. 168–170.

he dwelt by Mr. Garret, and that he was run away, she, looking upon her husband, said in French, 'Oh! mon mari,' &c., that is, 'Oh! husband, that was William you sent into France' (or to that effect), who she said was his son's man; whereupon the old man, as it seemed to me, looking upon his wife, his teeth did chatter as if he trembled, which stroke me also into a quondary to hear her say so; whereupon I asked him if he did send him away, and he answered me, that he sent him with a letter unto a friend of his in Paris, saying that he knew not the cause of his departing from his master, except it were for that his master used him hardly; which was strange to me, that he should give him a letter of commendations unto a friend of his in Paris, and not to know of his son the cause of his parting, and it made me conjecture that he indeed did know the cause of his departure. Again I asked him whether the boy was an Englishman or a stranger? He answered me he was an Englishman, and his parents dwelt in Friday Street, and that they did speak to him to write to some friend by him, where he might be to learn the language; but of the boy running away he never spoke, neither can I hear that he ran away before this act done; and so we parted.

'M. EDWARD RYDER.'[1]

Among the MSS. in the State Paper Office there are examinations of Richard Weston, who had formerly been servant to Dr. Turner, the husband of Mrs. Turner, and had been, through the interest of the Countess of Somerset, appointed the goaler of Overbury, and a letter from Sir Gervase Helwys, the Lieutenant of the Tower, to the

[1] MS. State Paper Office; Domestic Papers, 1615, Nov. 9. No. 276. Amos, pp. 169, 170.

King, which contain evidence corroborative of the above deposition of Edward Ryder. Scraps from Weston's examinations, and a short extract from the Lieutenant's letter, were read at the trials. If the entire examinations of Weston and the whole letter of Helwys had been read at the trials, they would have tended to negative the two acts of poisoning, by means of rosalgar and the tarts,[1] which, with the clyster and the arsenic, were the only poisons of the administering of which any kind of proof was given, or which are mentioned in any of the indictments.

Weston, in his examination, taken October 2, 1615, said 'that the apothecary's partner or servant that always ministered to Sir Thomas dwelleth in Lime Street, and married the sister of the king's apothecary, and is a Frenchman, but his name he remembered not.'[2]

On his subsequent examination, however, taken on October 6, 1615, Weston remembered the name of the French apothecary. He then 'confessed that Sir Thomas Overbury, after this examinant became his keeper (but the certain times he remembers not), had divers baths given to him, and said, that a little before his death, and, as he taketh it, two or three days, Overbury received a clyster, given him by Pawle de Lobel.'[3]

The letter of Helwys, the Lieutenant of the Tower above referred to, is dated September 10, 1615, and contains some curious matter, tending to show why the Countess of Somerset's violent attempts to poison Overbury did not take effect, and also to show that Helwys, who was executed for the death of Overbury, had at least

[1] Amos, p. 185.
[2] MS. State Paper Office, 1615, Oct. 2. No. 162. Amos, p. 181.
[3] *Ibid.*, Oct. 6. No. 179. Amos, pp. 181, 182.

made some effort to prevent him from being poisoned; and further, that he had no suspicion of the joint proceedings of Mayerne and Lobell. After stating the appointment of Weston as a keeper over Overbury, at the request of Sir Thomas Monson, and the defeat of the first attempt to poison Overbury by putting arsenic in his soup, the letter thus proceeds:—

'This first attempt taking no success, there was advantage taken of my Lord of Somerset's tenderness towards Sir Thomas Overbury, who sent him tarts and pots of jelly. These were counterfeited, and others sent to be presented in their stead, but they were ever prevented; sometimes making his keeper say, "My children had desired them;" sometimes I made my own cook prepare the like; and, in the end, to prevent the pain of continual shifts, his keeper willed the messenger to save labour, seeing he had in the house which pleased him well.'[1]

The passage of this letter, which immediately follows the above, is very important, as showing the impression of the Lieutenant of the Tower that Mayerne was treating Overbury for some real or pretended malady—a malady called by Lobell consumption—and showing also, notwithstanding this, the Lieutenant's conviction that the clyster administered two or three days before Overbury's death was the cause of his death. The words of Helwys's letter are these:—

'Then bygone your Majesty's progress, by which all such colourable working was taken away, so as there was no advantage but upon the indisposition of Overbury's body. Here (as God in heaven can witness) I was secure.

[1] MS. State Paper Office, 1615, Sept. 10. No. 132. Amos, p. 187.

His physician, Monsieur Mayerne (who left behind[1] him his directions), his apothecary (at the physician's appointment), an approved honest man as I thought it, and still do. But (as Weston hath since confessed unto me) here was his overthrow, and that which wrought it was (as he said) a clyster. This apothecary had a servant, who was corrupted. Twenty pounds, Weston said, was given. Who gave it? who corrupted the servant? who told Weston of these things? or what is become of the servant? I can give your Majesty no account. Neither can I directly say that he ever named any as an actor in this business, but only Mrs. Turner. If any other were consenting, they two must put the business to a point.'[2]

The importance of the evidence cited above of Edward Ryder, which is confirmed in the main point by the contemporary writers—Wilson and Weldon—will now be seen. The evidence of Ryder proves that Helwys was either ignorant of the facts, or that he was wilfully misstating them, when he says that the apothecary Lobell was acting honestly, and that his servant who administered the clyster to Overbury was corrupted without his knowledge. It proves that both Lobell and his father were well aware of the true nature of the whole proceeding; and that they had sent out of the way the person who administered the poisoned clyster. The case is indeed one encompassed with difficulties, with difficulties and intricacies so great that, as has been truly said of it, it 'has puzzled the nation down to the present day.'[3]

Now, in reference to the question, was this poisoned

[1] This has reference to Mayerne's leaving London to accompany the king on his progress.

[2] MS. State Paper Office, 1615, Sept. 10. No. 132. Amos, p. 187.

[3] Amos, p. 494.

clyster part of the artillery provided by the Countess of Somerset to accomplish the death of Overbury? it must be observed that Franklin the apothecary and Weston the gaoler, and not Lobell, were the countess's agents for working her engines of destruction; that this fatal clyster was prepared by Lobell, according to the evidence of Ryder above recited, from the prescription of Mayerne, the king's physician; and that, with regard to the supposition that she corrupted Lobell's servant without Lobell's knowledge, that supposition is met by the positive assertion of Ryder respecting the strong indications of a guilty knowledge in Lobell's father. Sir A. Weldon mentions that Franklin confessed that Sir Thomas Overbury was smothered by him and Weston, and was not poisoned. Mr. Amos remarks that 'the suspicious circumstance that none of Franklin's examinations taken before his trial are forthcoming gives some countenance to this report.'[1] And the same report, in a somewhat modified form, is found in the 'Memoirs of the Life of Sir Thomas Overbury,' prefixed to the tenth edition of his works published in 1753. This account states first incorrectly that the poisoned clyster 'was administered by one Franklin, an apothecary's 'prentice,' and then adds the following sentence: 'Some say that Weston and Franklin, seeing the extraordinary effects of the clyster, and fearing, if they suffered the poison to operate any longer, it would leave marks on the body, which would rise in judgment against them, smothered him with the bed-clothes.'[2]

[1] Amos, p. 350.

[2] Memoirs of the Life of Sir Thomas Overbury, Knt., p. xvii., prefixed to his Miscellaneous Works in Verse and Prose: London, 1753.

The tortuous artifice with which the plot of getting rid of Overbury was constructed would appear to give some support to the remark of the writer of the memorandum on the envelope of the letters in King James's handwriting to Sir George More, who succeeded Helwys, Helwysse, or Elwes, as Lieutenant of the Tower, that King James 'was the wisest to work his own ends that ever was before him.'[1] These words are quite in accordance with the observations made before I had seen them respecting King James's dexterity in compassing his ends.

There were two distinct agencies at work for the destruction of Overbury from the time he entered the Tower; and what causes the complication and extreme intricacy of this case is, that although the agencies were in the general sense distinct, there were certain individuals who were mixed up in both. The head of one agency was the king. The head of the other was the Countess of Somerset. But five individuals at least—the Earl of Northampton and the Earl of Somerset, Sir Thomas Monson, Mayerne the king's French physician, and Lobell the French apothecary—were more or less cognizant of the operations of both the agencies. The curious operation of the double agency is strikingly shown in the following passage of the contemporary tract already quoted—a passage which appears to have escaped the notice of all the writers on this dark business: 'One Paul de Lobell, an apothecary, by the advice of Dr. Mayerne, brought a bath to cool his body, *with*

[1] These letters were first published in 1835, in the 18th volume of the Archæologia, and the original letters are stated to have been then in the possession of James More Molyneux, Esq., of Losely, Surrey.

advice to be spare of his diet, for that he suspected his meat was not wholesome.'[1] The profound artifice of this advice, which was intended to divert suspicion from himself and Mayerne, was in accordance with the character he sought to give himself with poor Helwys, the Lieutenant of the Tower, who was to a certain extent the dupe and the victim of him and of others more powerful than he, and who, as has been seen, in his letter to the king, described this murderous French apothecary as 'an approved honest man as I thought it, and still do.' This Helwys and the Countess of Somerset—who appears from all her proceedings to have been a person of strong passions and weak brain—together with some others, may be designated as the exoteric, while the king, the Earls of Northampton and Somerset, Sir Thomas Monson, Mayerne, Lobell, and probably some others, may be regarded as the esoteric members of that part of the great poisoning plot which concerned Sir Thomas Overbury. The original plan, according to Lobell's assertion, as to consumption, was to make it appear that Overbury died a natural death, died namely of a rapid consumption, which, as has been seen in Prince Henry's case, was the mode in which Mayerne operated. And when the king had become weary of Somerset, Buckingham having supplied his place, and Somerset having showed strong symptoms of resisting his deposition, the king then made an adroit use of the Countess of Somerset's attempts to poison Overbury—attempts which the Earl of Northampton and Sir T. Monson certainly, and the Earl of Somerset probably, aided more or less, to get rid of

[1] Truth brought to Light, chap. 26.

Somerset. But for this change in the king's inclinations, this strange episode in English history would have remained buried in total darkness.

I have not met with any evidence corroborative of the assertion of a contemporary writer already quoted, that Lord Harington and his son died 'with suspicion of poison.'[1] Lord Harington the father died in 1613, either about the time of or soon after Overbury's death. The writer above cited says, 'His son succeeded both to his honour and patent, but enjoyed them not long, for he died within a short time after.'[2] He died in 1614. I think it is not improbable that these two individuals who thus died within so short a time of the deaths of Prince Henry and Overbury were victims of the plot of the 'triumvirate of Northampton, Suffolk, and Somerset.' But the plot was now drawing near a crisis which was to explode it.

Sir Thomas Overbury died September 15, 1613. From the time of the death of Overbury, a great change is said to have taken place in the demeanour of Somerset. He neglected his dress and person, and became morose and moody, even when in the king's company.[3] So clear-sighted and experienced a courtier as the Earl of Northampton must have seen what would be at no distant time the consequences of this change in the minion from vivacity and good humour to gloom and moroseness. He

[1] Truth brought to Light, chap. 34. [2] *Ibid.* chap. 29.

[3] 'A nullity being thus purchased, they [the Earl of Somerset and Countess of Essex] about Candlemas [Feb. 2] 161¾, marry with much joy and solemnity, a masque being performed at Somerset's charge, and many rumours pass without any respect. All these things notwithstanding, a guilty conscience can never go without accusation. Pensiveness and sullenness do possess the earl; his wonted mirth forsakes him, his countenance is cast down, he takes not that felicity in company as he was wont to do, but still something troubles him.'—*Truth brought to Light*, chap. 30.

would see that the game was up; particularly if he saw that a strong faction of the nobility, who envied and hated Somerset and the Howards were on the watch to take advantage of any change in the king's inclination towards Somerset, and to introduce a new minion who might quite supersede the old one.

It needs some effort in the nineteenth century in England to bring before the mind the condition of England at the beginning of the seventeenth century—in that interval between the fall of the power of the warlike barons who could bring into the field, each on his own account, from five hundred to a thousand 'barbed horses' [1]—and the rise of the commons, who were to bring into the field the cuirassiers and pikemen of Marston Moor and Naseby. In that interval the court and the courtiers were everything; the nation was nothing. And it is important to observe that the courtiers possessed any power not as members of the House of Lords, but simply as courtiers. In this state of things the secrets of the court comprehended the fate of the nation as well as the fate of princes and courtiers—of Prince Henry and Sir Thomas Overbury; and in those early years of the seventeenth century, at the English court, revolutions were attempted by arsenic. They were also prevented by arsenic. And in the case of this murderous conspiracy of Northampton, Suffolk, and Somerset, the revolution projected by them and to be accomplished by arsenic was prevented by arsenic; and King James, who had been *particeps criminis* as far as the death of Prince Henry, Overbury, and perhaps Salisbury, refused to proceed any

[1] Raleigh's Prerogative of Parliaments, Birch's edition of Raleigh's Works, vol. i. p. 206.

farther; and he and Dr. Mayerne proved more than a match for all the rest.

The only persons who could have written a complete narrative of this conspiracy—of which I am here endeavouring to put together some disjointed and scattered fragments—were those engaged in it; or perhaps the law officers of the Crown, Coke and Bacon, who knew a great deal more respecting it than can now be discovered from such of the examinations taken by Coke in Overbury's case as are still in the public archives. 'It would be a matter of considerable interest and curiosity,' says Mr. Amos, 'if any original examination of Franklin' [the apothecary employed by the Countess of Somerset to poison Overbury], 'or any authenticated copy of one, could be discovered. Sir F. Bacon, in the speech which he prepared for delivery in case the Countess of Somerset had pleaded not guilty, mentions two examinations of Franklin, one taken on the 16th and another on the 17th of November (1615), and it has been seen that in the manuscript report of the earl's trial a *third* examination of Franklin is mentioned, bearing date November 12. But no such documents are now to be found in the State Paper Office, or the British Museum, or other public repositories which have been searched for the purpose. It is a remarkable circumstance that various pieces of documentary evidence, used in different State trials in ancient times, that are of the greatest importance, are lost, whilst original evidence of minor importance, read at the same trials, is to be found in abundance. The original confession of Lord Cobham, upon which Sir W. Raleigh was convicted; and the Duke of Norfolk's con-

fession, which was much relied upon at his trial in the reign of Elizabeth, baffled the researches of Mr. Jardine.'[1]

When we cannot obtain the best evidence, we must be content with evidence of inferior quality. It is clear that the writer of 'Truth brought to Light,' notwithstanding the title he has given to his narrative, had only very partial and very imperfect glimpses of the truth as regards the events he treats of. He appears to have been altogether ignorant of the part acted by Lobell and Mayerne in the Overbury tragedy, and consequently also ignorant of the part, the leading part, taken by King James both in that and in the death of Prince Henry. He also writes as if the plot devised by Northampton, and entered into by Somerset and Suffolk, originated only after the death of Overbury; whereas its beginning was at least more than a year before that time, that is, before the death of the Lord Treasurer, Salisbury. He also writes as if Northampton and Somerset had engaged in this plot to secure themselves against the consequences of their share in the murder of Overbury, in case that murder should ever be brought to light. He says, too, that Northampton's scheme was to accomplish this by means of the Catholics; and that Somerset 'concludes to combine with Northampton in whatsoever he should undertake, and, in conclusion, becomes a neuter in religion.'[2]

He then proceeds to state the means adopted by Northampton to throw the kingdom into confusion. Northampton attempted to re-open the ancient quarrel between the Welsh and the English; and he sent letters by a trusty messenger to such of the Irish as he con-

[1] Amos, The Great Oyer of Poisoning, p. 338.
[2] Truth brought to Light, chap. 30.

sidered true to the Romish religion, assuring them that now 'the greatest favourite of England' would stand for them. The same messenger was on his return sent into Yorkshire, with a black staff and a knob upon the end of it, within which knob letters were conveyed from place to place for appointing meetings for mass and entertaining of priests.[1] The writer then says that not long after there arose a rumour that a Spanish fleet of a hundred sail was upon the coast;[2] that priests came into the kingdom by tens, fifteens, twenties at a time, and have free access, so that Northampton, being Warden of the Cinque Ports, begins to be called into question.[3] At last 'the king begins to withdraw his favour from him; wherefore he exhibits his bill against such as defamed him into the Star Chamber.' When the matter came to be debated in the Star Chamber, the Archbishop of Canterbury made a speech, in the course of which he said that the Earl of Northampton's own letters made evident that he had done something against his own conscience, merely to attain to honour and power; and he pulled out a letter from the Earl of Northampton to Cardinal Bellarmin to this effect: 'that, howsoever the condition of the times compelled, and his Majesty urged him to turn Protestant, yet nevertheless his heart stood with the Papists, and that he would be ready to further them in any attempt.' The Archbishop then proceeded to say that there was never known to be so many priests to come over into this kingdom in so short a time as of late had come; neither could he

[1] Truth brought to Light, chap. 30.

[2] *Ibid.* chap. 31. A letter preserved among the Tanner MSS., the signature of which is torn away, mentions the alarm felt on this occasion at Portsmouth and other places on the southern coast.

[3] Truth brought to Light, chap. 31.

assure himself that Lord Northampton was true-hearted unto the State, since also he harboured such about him as would undertake to write in defence of the Gunpowder Treason.[1]

'This, and much more,' continues this writer, 'being said about the latter end of Easter term, in the year 1614, my lord being hereat much discouraged, after the court brake, took his barge and went to Greenwich; there made his will, wherein he published himself to die in the same faith he was baptized, made some of his servants executors, others he bestowed gifts upon. His fair house he disposed to my Lord Chamberlain (the Earl of Suffolk), his lands to my Lord Theophilus Howard [Suffolk's eldest son]; retired back to his house at London, and before Midsummer Term following was dead. . . . Many disliked him, and, as was reported, even the king himself, now towards his latter end; but truly he was a notable politician, and carried things more commodiously for the Papists than ever any before him. His funeral was kept privately at Rochester, where he desired to be buried, because it was the chief port town of his office, without any state and outward appearance.'[2]

In a letter written to the Earl of Somerset by the Earl of Northampton, very shortly before his death, are these words: 'If the plain dealing both of my physician and surgeon did not assure me of a few days I have to live.'[3] Who was the physician? And who was the surgeon? In the volume of Dr. Mayerne's 'Ephemerides' for 1614,[4] the name of Northampton is not in the index; but it is

[1] Truth brought to Light, chap. 31. [2] *Ibid.*
[3] Amos, The Great Oyer of Poisoning, p. 231.
[4] Sloane MS. 2065, British Museum.

in a memorandum, with several other names, at the end of the book, thus: 'My Lord Northampton.' Assuming that Mayerne was Northampton's physician, 'the plain dealing' he mentions in his letter to Somerset is no proof that Mayerne did not poison him; for Mayerne took pains to prepare the public for the death of Overbury, whom he was for five or six months employed in poisoning. Mr. Larkin writes to Sir J. Pickering on August 29, about a fortnight before Overbury's death: 'Sir T. Overbury is likely to run a short course, being sick unto death. The Lieutenant of the Tower, together with the physicians who were with him, have subscribed their hands *that they hold him a man past all recovery.*'[1]

The writer of 'Truth brought to Light' uses these words of Northampton: 'Others say that if he had lived, he would have been the author of much stir.'[2] No doubt: and King James thought he had already made stir enough; stir that suited the king's views so far. But he did not want any more of Northampton's stir; and he had a quieter and much more efficient way of getting rid of troublesome persons than that of his successor Charles I. in getting rid of Sir John Eliot and others. He sent Dr. Mayerne to prescribe for them. Mayerne records in his 'Ephemerides,' under date September 19, 1628, his having prescribed for 'one Mons^r. Cromwell, *valde melancholicus.*' If this was Oliver, the Cromwell of Marston Moor, of Naseby, of Dunbar, and Worcester—and it probably was, for in the year 1628, when Cromwell was in London, and during the two or three years that followed his return to Huntingdon from the parliament of 1628, his mind appears to have been par-

[1] Amos, p. 494, note. [2] Truth brought to Light, chap. 31.

ticularly depressed by those fits of constitutional melancholy to which he was subject[1]—and if James had been king then and had had a shrewd suspicion what a troublesome fellow this Mons^r. Cromwell was likely to prove, he would have 'taken order' that, if he went to Mayerne for prescriptions against melancholy, he should have been cured of his melancholy effectually and for ever.

The Earl of Northampton died on June 15, 1615, about a week after the dissolution of what was called the Addle Parliament—a parliament which sat two months and two days and had not passed a single bill. Although this parliament showed their refractory spirit by refusing to vote any supplies till their grievancies were redressed, the very rumour, whether true or not, that James sent for the Commons and tore all the bills before their faces in Whitehall, shows how little the court cared for any opposition that the Commons could make. James called no parliament for the next six years, and thus had more leisure to attend to the intrigues of his court, which appeared to him of infinitely greater moment than parliamentary questions. For he little foresaw what the English parliament was to become when some of its members, including Dr. Mayerne's 'valde melancholicus Mons^r. Cromwell,' showed it the importance of the logic of facts.

With the death of the Earl of Northampton the plot for transferring the government of England from the House of Stuart to that of Howard must be considered to have fallen to the ground. Although the Earls of Suffolk and Somerset divided Northampton's places between them, or filled them up with their creatures,[2] it

[1] See Sir Philip Warwick's Memoirs of the Reign of King Charles I., p. 249, and Parl. Hist. vol. ii. p. 464, and note.

[2] Truth brought to Light, chap. 31.

soon appeared that not only had this plot failed in accomplishing for them their main ends, but that the time of their power was drawing to a close. Their reign still continued, however, for rather more than a year after the death of Northampton.

The strongest evidence of the presence of an agency, quite distinct from and independent of that of the Countess of Somerset, in the case of Sir Thomas Overbury, is connected with the case of Sir Thomas Monson and that of the Earl of Somerset.

Sir Thomas Monson, chief falconer, had been charged with negociations respecting the appointment of Weston, Overbury's gaoler, and with carrying on communications between the Countess of Somerset and the Lieutenant of the Tower. This Sir Thomas Monson was one of the worst of the many bad men whom King James delighted to honour. According to Sir Anthony Weldon—who is confirmed by modern discoveries in most of his statements as to the secrets of the royal palace—not only was Monson himself stained with vices and crimes which deserved hanging, but the interior of his family exhibited scenes of debauchery somewhat resembling what Bruce the traveller relates of Abyssinian morals and manners. Mrs. Turner, who was hanged as an accessory to the murder of Overbury, appears to have been the confidential associate of Sir Thomas Monson's daughters as well as of the Earl of Suffolk's; and the scenes of wild licentiousness sketched by the coarse but strong and graphic hand of Sir Anthony Weldon, when Mrs. Turner and the young ladies danced after supper to the music of Simon Marson's pipe and tabor[1] completely bears out what Mrs. Hutchinson

[1] Weldon, pp. 106, 107, 108, 2nd edition, 1651. This Simon Marson, who was a musician at that time in the service of Sir T. Monson,

says of the general corruption of the nobility and gentry who had come into contact with the court, and had 'learned the court fashion.'[1]

The inference to be drawn from the letters of Sir Edward Coke to the king, that have been published by Mr. Amos from the originals in the State Paper Office, is that Sir Thomas Monson was as deeply concerned in the general poisoning plot for changing the government, or at least the succession as Northampton, Somerset and Suffolk, and give considerable support to the rumours, mentioned by contemporary writers, 'that Northampton and Somerset had combined with the Spaniards, for a sum of money, to deliver them up the navy, and that Sir William Monson, Vice-Admiral, should have done it the next spring; that the king and the heads of the Protestant party should have been poisoned at the christening of the Countess of Somerset's child.'[1] Such rumours as these might appear quite incredible, and the mere creation of a popular panic verging on phrensy, if we were not assured, by the direct assertions of Lord Chief Justice Coke and Sir Francis Bacon the Attorney-General, both of whom had access to much evidence not now known

had been employed to carry a poisoned tart to Overbury, and being thus addressed by Chief Justice Coke in court, 'Simon, you have a hand in this poisoning business,' answered, 'No, my good lord, I had but one finger in it, which almost cost me my life, and at the best cost me all my hair and nails.' This answer saved him, as it was thought he would not have tasted the sirup had he known it to be poisoned. This circumstance is mentioned by Weldon, p. 106, but is not given in the report of the trials. —See Simon Marson, musician, examined, *State Trials*, vol. ii. p. 921, and *Somers's Tracts*, vol. ii. p. 322, and Sir Walter Scott's note.

[1] 'The generality of the gentry of the land,' says Mrs. Hutchinson, 'soon learned the court fashion, and every great house in the country became a sty of uncleanness.'—*Memoirs of Col. Hutchinson*, p. 78, Bohn's edition, London, 1854.

[2] Truth brought to Light, chap. 34.

to exist, that those rumours were by no means without foundation. That there was a plot is beyond a doubt; but the difficulty is in understanding the king's relation to it. It is incredible that he should have countenanced a plot for his own destruction. And even assuming that he poisoned Northampton, he screened Sir Thomas Monson and the Earl of Somerset from the legal consequences of their own acts. Why did he so do? To that question a perfectly satisfactory answer cannot be given. But an examination of its various bearings may be of some use.

There is no historical incident which furnishes a more striking proof of the difficulty of arriving at historical truth than the arraignment of Sir Thomas Monson and the trial of the Earl of Somerset.

The arraignment of Sir Thomas Monson is one of the many instances in which Weldon's statements as to the secrets of King James's palace have been confirmed by modern discoveries. According to Weldon, the night before Sir Thomas Monson's trial was to come on, the king, being 'at the game of maw,' said, 'To-morrow comes Thomas Monson to his trial.' 'Yes,' replied the king's card-holder, 'where if he do not play his master's prize, your majesty will never trust me.' These words, though not clear to us, appear to have raised a train of ideas of a peculiar kind in the mind of the king, for Weldon thus describes the effect of them:

'This so run in the king's mind, as, the next game, he said he was sleepy, and would play out that set next night. The gentleman departed to his lodging, but was no sooner gone but the king sent for him. What communication they had I know not (yet it may be, can more easily guess than any other); but it is most certain, next

under God, that gentleman saved his life, for the king sent a post presently to London, to let the Lord Chief Justice know he would see Monson's examination and confession, to see if it were worthy to touch his life for so small a matter. Monson was too wise to set anything but fair in his confession: *what he would have stabbed with should have been vivâ voce, at his arraignment.* The king sent word he saw nothing worthy of death or of bonds in his accusation or examination. Cook [Coke] was so mad he could not have his will of Monson, that he said, 'Take him away; we have other matters against him of an higher nature.' With which words, out issues about a dozen[1] warders of the Tower, and took him from the bar; and Cook's malice was such against him as, though it rained extremely, and Monson not well, he made him go a-foot from the Guildhall to the Tower, which almost cost him his life.'[2]

[1] Sir E. Coke, in his letter to the king, written on Dec. 4, 1615, the day of the arraignment, says 'six of the guard in rich coats,' and Coke was likely to be more correct on this point than Weldon.—See Coke's letter printed from the original MS. in the State Paper Office, in *Amos*, pp. 395–397. This passage of Coke's letter to the king confirms the truth of Weldon's account in the main point, namely, that Monson was taken to the Tower *on foot*, on which point the author of Aulicus Coquinariæ, who wrote his book to discredit Weldon's, makes the following statement, the impudent falsehood of which is quite in accordance with the rest of his writings: 'And Sir George More, then Lieutenant of the Tower, took him from the bar, and *both together were carried in his coach to the Tower. I say the truth, for I saw it.*'—*Aulicus Coquinariæ*, reprinted in *Secret History of the Court of James the First*, vol. ii. pp. 229, 230. The words in Coke's letter to the king, written on the very day of Monson's arraignment, and consequently within an hour or two of the events mentioned, are these: 'Having prepared six of the guard in rich coats, and being kept in a private place till the time appointed, they were sent for, and coming through the multitude of people, they took him in his fair velvet gown from the Barr, and carried him openly in the streets *on foot* to the Tower of London, by warrant subscribed by my Lord Chancellor and myself; which gave the vulgar occasion to say that surely he was to be touched in some higher degree; and to say the truth, it was not fit for a man indicted of murder to remain in a dwelling-house.'—*Amos*, p. 396.

[2] Weldon, pp. 111, 112, London, 1651. Mr. Amos is in error in saying

The reports in Hargrave's and Howell's State Trials of the trials for the murder of Sir Thomas Overbury, with the exception of those of the Earl and Countess of Somerset, correspond verbatim with the reports of those trials published in the tract entitled 'Truth brought to Light by Time.' This tract does not give the trials of the Earl and Countess of Somerset; and it is not stated from what source Hargrave and Howell derived their reports of those trials. In all State trials down to the time of the Long Parliament, the government published just as much of the trials as suited their purposes, and no more. Mr. Jardine has pointed out various instances in which the printed reports are contradicted by the original MS. documents in the State Paper Office.[1] Mr. Amos gives, from a MS. in the British Museum, entitled 'A Book touching Sir Thomas Overbury, who was murthered by poison in the Tower of London, the 15th day of September, 1615, being the 32nd year of his age,' some notes taken in 1637 from the mouth of Sir Nicholas Overbury, the father of Sir Thomas, which support the opinion before expressed, that the purpose of the king was to suppress everything but what made for his object of getting rid of Somerset.[2]

Sir Nicholas Overbury does not say that there is any-

(p. 35) 'Sir Anthony Weldon published his Court and Character of King James in the year 1651.' Sir A. Weldon was dead before that date. Sir Roger Twysden's Journal mentions Sir A. Weldon as dead in 1649. Under date May 19, 1649, Sir R. Twysden writes: 'The truth is, Sir Anthony Weldon now dead, and Sir John Sedley's power taken off,' &c. The first edition of Sir Anthony Weldon's book was published in 1650, the second edition in 1651. Sir Walter Scott, in his introduction to Weldon's book (Secret History of the Court of James the First, vol. i. pp. 302, 303), says the time of his death is uncertain, and quotes Sanderson, the historian, to the effect that the MS. of his work was after his death stolen out of Lady Sedley's possession, and surreptitiously published. This may be true, though Sanderson is not a good authority for anything.

[1] See Jardine's Criminal Trials, vol. ii. p. 4. [2] See Amos, p. 121.

thing untrue in the reports which were read to him by his grandson who made the notes, but he says 'that his answers are here written rightly, but not fully, for he spake much more than is here expressed,' and 'he affirmed that all things in the arraignments of Weston, Turner, Helwish, Franklyn, &c., are rightly written for the substance, *though many circumstances are omitted*, here being nothing untrue, yet *not the whole truth.*'[1]

If these remarks are to be relied on, the report of the proceedings of the arraignment of Sir T. Monson, which is given in the State Trials, may be considered correct as far as it goes. On this occasion Coke made use of the following remarkable expressions: 'For other things I dare not discover secrets; but though there was no house searched, yet such letters were produced which make our *deliverance as great* as any that happened to the children of Israel.'[2]

And Coke's opinion of Monson's guilt, and also the opinion of Hyde, another of the judges, appear from the following passage of the report:—

'*Lord Chief Justice Coke.*. There is more against you than you know of.

'*Monson.* If I be guilty, it is of that I know not.

'*L. C. J.* You are Popish; that pulpit was the pulpit where Garnet died, and the Lieutenant as firmly; I am not superstitious, but we will have another pulpit.

'*Hyde.* I have looked into this business, and I protest, my lord, *he is as guilty as the guiltiest.*'[3]

And Coke, in a letter to the king, written apparently on the day of the arraignment, and published by Mr. Amos from the original in Sir E. Coke's handwriting in

[1] See Amos p. 121. [2] State Trials, vol. ii. p. 949. [3] *Ibid.*

the State Paper Office, strongly expresses his opinion of Monson's guilt. He repeats his disapprobation, before expressed at the arraignment of Monson's having been committed not to the sheriff but to an alderman, his relative by marriage; adding, 'and to say the truth, it was not fit for a man indicted of murder to remain in a dwelling-house,' and thus concludes: 'I find that none of these that were in the action had any fear of God before their eyes, but were fit instruments for any villany or mischief soever, and *specially this man, who, no doubt, knew as much as any man living.*'[1]

It is perfectly clear, then, that if Weston, Franklyn, and Mrs. Turner deserved hanging, Sir Thomas Monson also equally deserved it. That he not only escaped it, but was set at large and allowed to retain some place about the court, proved at least that King James's court circle was in part composed of convicted murderers.

In addition to the enormous labours he went through in taking examinations in this case, Sir Edward Coke wrote several long letters to the king respecting it. But though these letters contain sundry eulogies sufficiently fulsome of the king's justice, wisdom, and humanity, and though they also labour somewhat to assure the king that no sinister inferences were drawn by the public from the strange proceeding of stopping Monson's trial, they failed to obtain any court favour for the writer of them. Coke had no objections to rise to the highest place in the law any more than Bacon, by the only means by which that place could then be reached—namely, unscrupulous subservience and hyperbolical adulation. But Coke, though beyond all question a far better lawyer than Bacon, alto-

[1] MS. State Paper Office, 1615, Dec. 4, No. 345; Amos, pp. 395-397.

gether wanted Bacon's moral suppleness and marvellous adroitness in the use of words. For Bacon had not only the power of a great writer over language as a vehicle of thought, but he possessed all that skill of a word-fencer by which men without any great or even considerable powers of thought have at times attained the command of great and powerful assemblies. Coke, moreover, was a pedant; and whatever else a pedant may be good for, he is very unlikely to be a good or successful courtier.

One of the characteristics of a pedant is the want of that quality of mind—call it tact or call it quick insight into character—which, from very slight appearances, can infer or divine much that is never put into words—or only into very mysterious words. To whatever extent Bacon was admitted to the confidence of King James, it is very improbable that Coke was admitted to any degree whatever of his more intimate confidence. Accordingly Coke failed to see, as Bacon did, the precise point to which the business of punishing the alleged murderers of Sir T. Overbury was to go, and at which it was to stop. Bacon, in his expostulation with Coke, says, 'though you never used such speeches as were fathered upon you;' and it appears from the letters of Coke in the State Paper Office, published by Mr. Amos, that the trial of Monson was not put off, as Wilson and the reporter in the State Trials state, in consequence of Coke's having let drop some words connecting Overbury's death with that of Prince Henry, but that its postponement was determined on before Sir T. Monson was called upon to plead. Nevertheless it is clear, from Bacon's letters to the king and the king's postils, or marginal notes, to those letters, that Coke had made some observations on the subject of

Prince Henry's death[1] as connected with the murder of Sir Thomas Overbury, and that the king was highly displeased at the subject's having been introduced. The effect, as regarded Coke himself, is thus described by the reporter in the State Trials: 'The Lord Chief Justice, having at this trial [Sir T. Monson's] let drop some insinuations that Overbury's death had somewhat in it of retaliation, as if he had been guilty of the same crime against Prince Henry, Sir Thomas Monson's trial was laid aside, and himself soon after set at liberty, and the Lord Chief Justice was rebuked for his indiscretion, and, before the next year expired, removed from his post.'[2]

The trial of the Earl of Somerset, when examined by the light of modern discoveries, is perhaps the most instructive illustration in the whole of the collection of our early State trials of the fact, or at least the opinion, that before the time of the Commonwealth the reports of English State trials which were printed and made public were not intended to reveal, but to conceal, the truth. And as I have already remarked, the genius of Francis Bacon the attorney-general was employed in the trial of Somerset to involve the truth in eternal darkness. It is little to be wondered at when two such geniuses as King James and Bacon (for, though the juxtaposition may to those who have imperfectly studied the facts appear ludicrous, King James really had an extraordinary genius for compassing his ends by plotting and lying) exerted themselves to the utmost, that they should put those who, under the title of historians, profess to write about such

[1] See particularly State Trials, vol. ii. p. 964.
[2] State Trials, vol. ii. p. 949.

matters, entirely out of the track that might have led them to at least some traces of the truth.

This trial, with all its array of peers and lord high steward, judges, attorney-general, garter king-at-arms, seal-bearer, black rod, and serjeants-at-arms, was but a solemn farce. The king and his attorney-general had carefully arranged matters so that the most distant and indistinct indication of the real question at issue of 'Who murdered Sir Thomas Overbury?' should never be brought before this lord high steward's court, which was to be made, what courts of law and equity have been so often made, but an instrument to screen crime under solemn formalities, and words, which, had they been used by an inferior man for the same purpose, might have been likened to clouds, but which used by Francis Bacon must be likened to sunbeams which threw, and were intended to throw, a false and misleading—though a dazzling—light upon a dark question.

It has been pointed out by Mr. Amos as 'a remarkable circumstance, that throughout the correspondence between James and Bacon with regard to Somerset there is no inquiry concerning each other's opinions as to his guilt or innocence; the king and the attorney-general seem wholly occupied with the stage-effect of the trial and the pardon.'[1]

The account which Sir F. Bacon gives, at the Countess of Somerset's arraignment, of the discovery of Sir Thomas Overbury's murder, is a brilliant specimen of that accomplished man's astonishing 'command over facts;' and may be viewed by the modern imitators of that part of Bacon's character 'with the same sort of admiring despair

[1] Amos, p. 489.

with which our sculptors contemplate the Theseus and our painters the cartoons.' According to this statement, the discovery arose out of a conversation that was *said* by Bacon to have taken place between a *deceased* nobleman and an *anonymous* Councillor of State; so that if there was not one word of truth in the attorney-general's statement, its falsehood could not be proved. As this statement, however, forms a part of the machinery by which King James involved in darkness the true history of Overbury's murder, and as it is very skilfully constructed to serve the double purpose of keeping altogether out of view James the assassin, and bringing into full view 'James the Just,' it will be convenient to give it here.

'About the beginning of the last progress,' says Bacon, 'it first brake forth; and as all murders are strange in their discovery, so this was miraculous, for it came out in a compliment, thus: my Lord of Shrewsbury, who is now with God,[1] commended Sir J. Elwes to a Counsellor of Estate; and it was by him that Sir Jervas, in respect of the good report he had heard made of his honour and worth, desired to be made known unto him. That counsellor answered, that he took it for a favour from

[1] The words which Shakspeare puts into the mouth of Cassio, when Iago has said he hoped to be saved—'Ay, but, by your leave, not before me; the lieutenant is to be saved before the ancient'—express an opinion prevalent in that age, at least a form of speech, that persons of high rank, kings and nobles at least, after death were 'with God.' Thus King James himself is described after he had, according to Archbishop Laud, 'breathed forth his blessed soul most religiously' (Laud's Diary, p. 15), as 'now with God.' Indeed it may be considered as part of the divine right doctrine, that all kings, good and bad, came from God and went back to him. Otherwise it might have been feared that a good many of them must have gone the other way. But on the divine right principle the form 'now with God' is equally applicable to Philip II. and to Catharine de' Medici and all her sons and daughters as to James I.

him; but withal added, there lies a kind of heavy imputation on him about Overbury's death; I could wish he would clear himself, and give some satisfaction in the point. This my Lord Shrewsbury related back, and presently Elwes was struck with it, and makes a kind of discovery, that some attempts were undertaken against Overbury, but took no effect, as checked by him. Though the truth be, he lacked rather fortitude in the repulse, than honesty. This counsellor, weighing well this narration from Elwes, acquainted the king with the adventure; who commanded presently that Elwes should set down his knowledge in writing, which accordingly he did, but still reserving himself within his own compass, not to touch himself, endeavouring rather to discover others, than any else should undertake that office and so accuse him.'

Mr. Amos cites a letter remaining in the State Paper Office, dated November 15, 1615, in which Lord Cecil, writing to Mr. Wake, uses these words: 'Not long since there was some notice brought unto me that Sir T. Overbury was poisoned in the Tower; with this I acquainted his Majesty.' The letter being full of news and gossip, Mr. Amos infers that 'if Bacon's account of the discovery of the plot were true, it is perhaps likely that the *miraculous* circumstances of it would have been mentioned by Cecil to his friend.'[1]

It is a curious and interesting psychological study to attempt to trace the process by which this king succeeded in applying the same machinery of complicated falsehood to the screening of his crimes from public view in England, which he had before successfully used in Scot-

[1] Amos, p. 105.

land. We have seen the part performed by Mr. Thomas Hamilton in the affair which it pleased King James to denominate the Gowrie Conspiracy. We have seen, among many other examples of Hamilton's 'command over facts,' the forgery of the letters known as Logan's letters. We now see the king's attorney-general in England employed in the same honourable work in which we before saw the same king's advocate in Scotland. And, the more closely we look into this case, we see the more clearly the absolute necessity of the 'Great Rebellion' that broke out some thirty years after, if the English constitution, with all its time-honoured machinery of courts for the administration of justice, was to be regarded as anything but an elaborate contrivance to enable such a king as James I. to 'make,' to use his own words, 'what likes him law and gospel.'

The profound artifice employed by Bacon in the manufacture of the statement given above appears from this consideration, that, while there is most probably not one word of truth in the story about the conversation between the deceased nobleman and the anonymous councillor of State, it is a fact that by the king's command Helwys, or Elwes, did 'set down his knowledge in writing,' his letter being one of the suppressed documents still in the State Paper Office;[1] and it is also a fact, as has been shown in a former page, that the unfortunate Elwes really did not know who poisoned Overbury, though King James, who applied to him for information, knew perfectly well. When I say 'suppressed,' I mean that the letter as a whole was suppressed, for a short

[1] This letter has been printed by Mr. Amos (pp. 186–188). I have in preceding pages given some very important extracts from it.

extract from it was read upon Weston's trial, as containing the information that led to the judicial proceedings. Now Bacon's invention of the story about the deceased nobleman and the anonymous councillor of State proves that there was some strong reason for concealing the true history of the discovery. What was the true history of the discovery? and what was the strong reason the king and his attorney-general had for concealing it?

We have seen that one of the most important of the suppressed examinations, which has fortunately been preserved, is that of Edward Ryder, 'all of his own handwriting, taken this 9th of November, 1615, upon his oath'—this heading being written in Sir E. Coke's handwriting. We have seen that Edward Ryder stated that about the beginning of November, 1615, Dr. Lobell, the father of Lobell the French apothecary said to him that Sir Thomas Overbury 'was not poisoned, but died of a consumption proceeding of melancholy, by reason of his imprisonment;' that about a week after he (Ryder) and his wife met by accident with Dr. Lobell and his wife near Merchant Tailors' Hall; that he asked Dr. Lobell what he now heard about the death of Sir Thomas Overbury, telling him that it was manifest that he was poisoned, and also that he heard it was done by an apothecary's boy in Lime Street, near to Mr. Garret's, speaking as if he knew not that it was his son's boy, although 'I knew,' to quote the exact words of the deposition, 'that it was his son's boy that did the deed; and Mrs. Lobell standing by, hearing me say that he dwelt by Mr. Garret, and that he was run away, she, looking upon her husband, said in French, "Oh! mon mari," &c., that is, "Oh! husband, that was William you sent

into France" (or to that effect), who, she said, was his son's man; whereupon the old man, as it seemed to me, looking upon his wife, his teeth did chatter as if he trembled.' Ryder also asked Lobell whether the boy was an Englishman or a stranger. Lobell answered he was an Englishman, and his parents dwelt in Friday Street.

This suppressed examination of Ryder, and the accounts given of the discovery of the murder by Wilson and Weldon, afford information to each other. Wilson, who, as Mr. Amos has justly remarked,[1] from being the intimate friend of Lord Essex, the Countess of Somerset's injured husband, is entitled to peculiar attention in regard to these transactions, relates that the discovery of Overbury's murder arose 'from the apothecary's boy that gave Sir T. Overbury the clyster falling sick at Flushing, and revealing the whole matter, which Sir R. Winwood, by his correspondents, had a full relation of.' Weldon confirms Wilson, and says that the name of the apothecary's boy was Reeve, and that he was afterwards an apothecary in London. Weldon further relates that Thoumbal, the foreign agent, would not commit the story he had heard to writing, but only informed Secretary Winwood that he had a secret of importance to communicate if a license for his returning to England could be obtained, which was accordingly granted.

The significance of the questions asked by Mr. Amos will now be seen. 'It will naturally be asked, why was not Mayerne produced as a witness at the Earl of Somerset's trial? Why was not Lobell interrogated more particularly as to the cause of Sir T. Overbury's death? Why was not the imputation cast upon Lobell of having

[1] The Great Oyer of Poisoning, p. 163.

been concerned in poisoning Sir T. Overbury probed to the bottom? Why was not the relation attributed to Weston, that an apothecary poisoned Sir T. Overbury with a clyster for a reward of 20*l.*, further inquired into in any of Weston's or Franklin's numerous examinations? Why was the true history of the discovery of the murder concealed?—a question of more pregnant importance, seeing that authorities concur in attributing the discovery of the plot to the confession of an apprentice of an apothecary placed in charge of Overbury by the king's chief physician.[1] What answer could have been given if Somerset had demanded why Mayerne, the king's chief physician, was not produced as a witness? or why his prescriptions for Overbury were not forthcoming, which he was writing during the whole period of Overbury's imprisonment, and which Lobell had delivered into the hands of the Chief Justice? Or if Somerset had asked whether the discovery of the plot had not really been made through the medium of Lobell's apprentice? And if he had urged the peers to consider why Lobell had not been put upon his trial, and was still at large?'[2]

It is evident, from the words of the examination of Ryder —'I also told him [Dr. Lobell, the father of Lobell the French apothecary] that I heard it was done by an apothecary's boy in Lime Street, near to Mr. Garret's, speaking as if I knew not that it was his son's boy, although I knew that it was his son's boy that did the deed'—that the true story of the murder of Overbury was known at least to some persons at the time, for Ryder speaks of his positive knowledge that it was Lobell's apprentice that 'did the deed.' And the links of the

[1] Amos, The Great Oyer of Poisoning, pp. 165, 166. [2] *Ibid.* p. 491.

chain between Lobell's 'boy' and King James are neither numerous nor obscure—Lobell's boy, Lobell, Mayerne, King James.

Ryder's deposition proves that the circumstances of Overbury's death were well known to Ryder; and the terms in which Ryder mentions his knowledge lead to the inference that those circumstances were well known to many other persons. At that time so great was the power of the government and so small the liberty of the subject, and consequently of the press, that any crime perpetrated by the government might have any colour put upon it by authority without fear of *public* contradiction. And yet the very fact of the government's taking the trouble to put a fair colour upon foul deeds proves that there was beginning to exist, though in a very feeble and infantile state, a sort of public opinion. Under these circumstances the fierce hostility which Overbury had excited against himself in the Countess of Somerset was a most fortunate incident as regarded the king; and I think that Mr. Amos's hypothesis is true as well as ingenious. Mr. Amos says: 'If the contrition of the sick apothecary's apprentice, which is spoken of by several writers of credit, had begun to excite curiosity and inquiry into the circumstances of Overbury's death, might not King James, supposing he had really "put Overbury out of the way" in the manner suggested, have seized with avidity on the godsend twin-plot of the Countess of Somerset, which he might luckily have discovered about the same time, or, more probably, which he had been long aware of, but of which, as of the Gunpowder Plot, he invented a sham discovery.'[1]

[1] Amos, pp. 494, 495.

Yet this was not all the case; for though the contrition of the apothecary's apprentice might have been considered a troublesome and untoward event, the power of the divinity of kingship was then so great that the poisoning of a knight, or even a peer, was a small matter. But there were other matters below the surface. The poisoning of the heir to the throne was a more grave affair, which might prove dangerous. And moreover Overbury's death might be made subservient to a double purpose: first, the getting rid of a disagreeable person in Overbury himself; and, secondly, the getting rid of a person once a favourite, but no longer such, in Somerset.

Bacon, as the king's attorney-general, was of course entrusted with the legal management of the prosecution of Somerset; but he appears hardly to have taken a single step without first consulting the king, who postilled with his own hand the intended charges, and instructed his obsequious and astute attorney-general so to arrange matters as not to drive Somerset to desperation. The result of Bacon's communications with the king was, that Bacon probably knew more of the terrible secrets which gave Monson and Somerset their power over the king than any other individual out of the esoteric royal circle.

I have in the preceding essay given the evidence bearing on the death of Prince Henry which was suppressed at the trials of those who were executed for the murder of Overbury. This evidence Bacon submitted to King James for his opinion as to the expediency of using it at the trial of Somerset. But the king positively prohibited him from making any use of it, in terms which certainly do not convey any satisfactory conclusions that it was *false* evidence. Thus to Bacon's proposition, 'I shall also

give in evidence the slight account of that letter which was brought to Somerset by Ashton, being found in the fields soon after the late prince's death, and was directed to Antwerp, containing these words "that the first branch was cut from the tree, and that he should, ere long, send happier and joyfuller news,"' the postill of the king is, 'This evidence cannot be given in without making me his accuser, and that upon a very slight ground.'[1] And to the words of Bacon, 'That Somerset, with others, would have preferred Lowbell the apothecary to prince Charles,' the king's postill is 'Nothing yet proved against Lowbell.' Now the important examination of Ryder taken by Coke, and given before in this essay, is a pretty strong piece of evidence as regards what could be proved against Lobell. And what could be proved against Lobell and also against Mayerne, no one knew better than King James.

We have seen, in that affair which King James called the Gowrie Conspiracy, that the great object of the king was to raise a false issue, so as to throw the world in general upon a wrong scent, and by that means to bury the truth in eternal darkness. So in the trial of Somerset the whole object of the king and of his attorney-general Bacon was to put people on a wrong scent, for the purpose of preventing the public and even the judges themselves from obtaining any insight into some terrible secret, possessed by Somerset, the disclosure of which might have risked the king's throne and even his life. What this secret was has given rise to much speculation. Bacon the attorney-general, in his attempts to raise a

[1] State Trials, vol. ii. p. 964.

false issue, and for the purpose of diverting the public mind as well as the attention of the judges from the real secret, put forward as the cause of the breach of friendship between Somerset and Overbury, Overbury's knowledge of a treasonable correspondence on the part of Somerset with the court of Spain. But this was not the real secret. When, in one of his examinations in the Tower by the Lord Chancellor, the Duke of Lennox, and Bacon the attorny-general, Somerset was charged with a treasonable correspondence with Spain, he showed no emotion, but said 'that he had such fortunes from his Majesty, as he could not think of bettering his conditions from Spain.'[1] But when, on a subsequent day, they asked him some question that touched the prince [Henry], he evinced some emotion; but none respecting the poisoning of Overbury. Bacon's words are: 'We made this farther observation; that when we asked him some question that did touch the prince or some foreign practice, which we did very sparingly at this time, yet he grew a little stirred, but in the questions of the empoisonment [of Overbury] very cold and modest.'[2] The words in this passage 'some foreign practice' probably allude to the same circumstance mentioned in a former page from the examination of Franklin; and Franklin's words are so significant that they may be here repeated. They are these, as copied, by Mr. Amos from the paper in Sir E. Coke's handwriting in the State Paper Office, 'Do not you. . . The king used an outlandish physican [Mayerne] and an outlandish apothecary [probably Lobell] about

[1] Letter from Sir F. Bacon, addressed to Sir George Villiers, dated April 18, 1616. It is reprinted in Amos, p. 428.

[2] Letter from Sir F. Bacon to the king, without date, in Cabala, and reprinted in Amos, pp. 439, 440.

him [Prince Charles] and about the late prince [Henry deceased? Therein,' said he, 'lieth a long tale.'[1]

It is here necessary to recall the reader's attention to what has been said in a former page of this essay respecting the two distinct agencies which were at work for the destruction of Overbury by poison. Since the king was the head of one of these agencies—the one, too which really destroyed Overbury—and the Countess of Somerset the head of the other which was to be held up to the public as the one which did the murder, it was necessary for the king's end to make it appear at Somerset's trial that Somerset was concerned in that agency of which his countess was the head. Now the main difficulty of Bacon, as the king's attorney, lay in this, that, though it might probably have been proved easily enough that Somerset was an accessory to the death of Overbury as a member of that agency for Overbury's death of which the king was the head, the proof of Somerset's having assisted his wife in her bungling attempt to poison Overbury was—and Somerset's whole line of conduct both before and at his trial showed him to be fully aware of this—impossible without extraordinary adroitness both in the management of what evidence existed and in making evidence where what was wanted did not exist.

As before mentioned it is not stated by Hargrave and Howell from what source they obtained their reports of the trials of the Earl and Countess of Somerset. Mr. Amos has printed another report of the trial of the Earl of Somerset from an original manuscript in the State Paper

[1] MS. in the State Paper Office in Sir E. Coke's handwriting, printed in Amos, p. 228.

Office, which is indorsed, apparently in the handwriting of Sir R. Winwood, 'The Arraignment of the Earl of Somerset.' This MS. report of the trial differs from the printed report both in not containing some things which are in the printed report, and in containing other things which are omitted in the printed report. Among the omissions is the following, which I will give with Mr. Amos's comments on it.

It appears from this manuscript, that Lobell the apothecary, in his examination stated that the Earl of Somerset 'willed him to write to Doctor Maiot concerning physick to be given to Overbury.'

The comment of Mr. Amos, who I think rightly says that 'Maiot is probably Mayerne the king's physician,' is this: 'This is a circumstance very favourable for Somerset, and it is omitted in the printed report.'[1]

This comment of Mr. Amos is made upon the supposition that Somerset was desirous that the physic which Mayerne should give to Overbury should be for the purpose of restoring his health. But is not this supposition quite inconsistent with Mr. Amos's own hypothesis that Mayerne by the king's direction was at that very time destroying Overbury by 'the constant repetition of arsenic or other drugs, in small doses scientifically administered?'[2] And as I have before said, Somerset was one of that small band of courtiers who were acquainted with this among the other secrets of James's court. The reason, then, of the omission of this from the printed report would be not because it was 'a circumstance very favourable to Somerset,' but because it pointed to the true cause of Overbury's death; and if

[1] Amos, p. 116. [2] Amos, p. 490.

followed up, would have led to a discovery of that true cause, and of one of those secrets which James was using such extraordinary means to conceal. It is remarkable with what care the name of Mayerne is kept out of all the reports of all these trials. I think it was for the purpose of throwing a mist over the matter that the name is here written 'Maiot,' when Lobell the French apothecary must have known very well that 'Mayerne,' not 'Maiot,' was the man's name.

It is beyond a doubt that Somerset was in possession of a secret of which the king dreaded the disclosure to an extent which is well described by Weldon when he says: 'But who had seen the king's restless motion all that day [the day of Somerset's trial], sending to every boat he saw landing at the bridge, cursing all that came without tidings, would have easily judged all was not right, and there had been some grounds for his fears of Somerset's boldness; but at last one bringing him word he was condemned, and the passages, all was quiet;' and when he describes the effect of the relation of Sir George More, the Lieutenant of the Tower, of Somerset's language and demeanour on the night before his trial on the king, to whose bedside he was admitted after midnight, the king 'falling into a passion of tears' and saying, 'On my soul, More, I wot not what to do;' and the precautions taken next day at the trial—'two servants placed on each side of Somerset, with a cloak on their arms, and a peremptory order given them, if that Somerset did any way fly out on the king, they should instantly hoodwink him with their cloak, take him violently from the bar, and carry him away'[1]—all these things naturally suggest the

[1] Weldon's Court of King James, pp. 115-119: London, 1651. Wel-

further question, in what way was Somerset most likely to 'fly out on the king?'

Before the discovery by Mr. Amos of some of the suppressed examinations taken by Sir Edward Coke, this question was more limited in its scope, which was supposed to comprehend two branches, either of which was however admitted, even by those who were inclined to view King James's character in the least unfavourable light, to have reference to deeds of a very black and flagitious nature. 'The fatal secret,' says Sir Walter Scott, 'is by some supposed to refer to the death of Prince Henry; but a cause yet more flagitious will occur to those who have remarked certain passages in the letters between the King and Buckingham, published by Lord Hailes.'[1]

These words of Sir Walter Scott, the more remarkable as coming from one who has dealt in the manner he has done with the Gowrie case, are important as placing King James between the horns of a somewhat ugly dilemma. The secret of which Somerset was in possession referred, according to Sir Walter Scott's view, to one of two crimes. It either referred to the murder by James of his own son, or to 'a cause yet more flagitious.' That it referred to the murder of Prince Henry may be concluded from the following reasons. The 'cause yet more flagitious' hinted

don's account of this matter, which he says he and a friend had from More's own mouth in Wanstead Park, has received confirmation by four letters in King James's handwriting to Sir George More, published in the Archæologia, vol. xviii. They were first published in 1835 by A. J. Kemp, Esq., and the original letters are stated by him to have been then in the possession of James More Molyneux, Esq., of Losely, Surrey.

[1] Sir Walter Scott's note in his edition of Somers's Tracts, vol. ii. p. 488. See also Sir Walter Scott's notes to Somers's Tracts, vol. ii. pp. 233, 355, 262, *et seq.*

at by Sir Walter Scott was a secret common to Somerset with all King James's 'minions.' But the other secret was participated in by Overbury, who not being one of the 'minions,' could not have anticipated, from his being the confidental friend of a 'minion,' what he anticipates in these words which he wrote from the Tower to Somerset: 'You and I, ere it be long, will come to a public trial of another nature: *I on the rack*, you at your ease.'[1] Now, assuming that Overbury was cognisant of the crime 'yet more flagitious' hinted at by Scott, it is altogether improbable that he referred to that when he mentioned a public trial, and the application of the rack to himself. The use of the rack, which though then generally acknowledged by lawyers to be illegal, was nevertheless frequently resorted to by virtue of what was called the royal prerogative which under the Tudors and the first Stuarts overrode the law, was however confined to state crimes, to treason in all its many branches. Now the being an accessory to the murder of a prince, the heir to the throne, would undoubtedly be eminently a case for the use of the rack. The knowledge by Overbury of the existence of the other crime called by Scott 'yet more flagitious' than a man's murder of his eldest son, the heir to the throne, would clearly not be such a case.

Somerset wrote a letter to the King, the tone of which,

[1] State Trials, vol. ii. p. 972. Bacon's works, vol. iii. Birch's edition. Somers's Tracts, vol. ii p. 351, note. It is right to state that there is no mention of the 'rack' in the MS. report of the trial in the State Paper Office. —See *Amos*, p. 134. But this omission may be merely owing to the cause thus stated by Mr. Amos: 'The two letters written by Overbury whilst in the Tower to Somerset correspond closely in substance, but differ throughout in expressions. The reports might not improbably seem to be those of two different persons hearing letters read, and not being very expert in short-hand writing.'—*Amos*, p. 115.

though enigmatical, was such as to quite bear out the report of Weldon that Somerset said that James durst not proceed against him.[1] If James could have but got rid of Somerset too as he had already done with so many by poison, it would have saved him much trouble and anxiety.

The circumstance before commented on of Somerset's being in comunication with Lobell concerning 'physic to Overbury' naturally leads to the remark that King James's great anxiety about the result of Somerset's trial is to be attributed to his dread of the disclosure of another secret distinct from either of those indicated above—a secret which also explains one of the mysterious passages in Somerset's letter to the king, namely, 'I fell rather for want of well defending, than by the violence or force of any proofs.' For the king might well be somewhat anxious about the behaviour of a prisoner whom he was putting upon his trial for a crime which had been committed by the king himself, even though the said prisoner might have been an accessory to that crime, the king being the principal. This, I am inclined to think, was the principle cause of Somerset's confidence, of his saying 'I am confident in my own cause, and am come hither to defend it.' He knew the truth too well not to know that he could not be proved guilty by the course which the attorney-general was compelled to adopt. As he knew that it was not the Countess of Somerset's artillery of poisons that destroyed Overbury, he knew that he could not, if the evidence were fairly dealt with, be

[1] See the Letter in Somers's Tracts, vol. ii. pp. 355, 356, note; and State Trials, vol. ii. p. 998, *et seq.* The important passages of the letter are reprinted by Mr. Amos, pp. 476, 477.

proved guilty of Overbury's murder as an accomplice of the Countess of Somerset; and he also knew that no attempt would be made to prove him guilty of that crime, in the only way he could really have been proved guilty, namely, as an *accomplice of King James.*

This view of the case is further confirmed by some passages in the letters referred to in a preceding page written by King James to Sir George More, Lieutenant of the Tower, and also by some words in a memorandum in the handwriting of the early part of the seventeenth century, probably the handwriting of Sir George More himself, on the envelope in which those letters were enclosed. The memorandum states that Somerset 'hearing that he should come to his arraignment, began to speak big words touching on the king's reputation and honour;' and further that Somerset 'ever stood on his innocency, and would never be brought to confess that he had any hand *with his wife* in the poisoning of Overbury, knew not of it, nor consented unto it.'

The words which I have marked in italics, '*with his wife*,' are to be particularly noted as denying only that he (Somerset) had any share in the Countess of Somerset's proceedings for poisoning Overbury. But this, it will be observed, does not exclude his having any part in the king's proceedings for the poisoning of Overbury. And this view is further supported by the following words in the third of the four letters written by King James with his own hand to Sir George More—which words also clearly indicate the subject-matter of the conference Sir George More had with King James in the night preceding the day of Somerset's trial—'I am extremly sorry that your unfortunate prisoner turns all the great care I have of him not

only against himself, but against me also, as far as he can. I cannot blame you, that you cannot conjecture what this may be, for God knows it is only a trick of his idle brain, hoping thereby to shift his trial; but it is easy to be seen that he would threaten me with *laying an aspersion upon me of being in some sort accessory to his crime.*'

This, it will be perceived, explains distinctly the whole mystery of a case, which, as Mr. Amos has remarked, 'has puzzled the nation down to the present day.'[1] These words in King James's letter would appear to have escaped the particular notice of Mr. Amos, though he has reprinted all the letters in full.[2] If Mr. Amos had seen the full force of the circumstances brought to view in these pages for the first time so far as I know, he would have seen that they give to his ingenious hypothesis the character I might almost say, of a clearly established conclusion.

[1] Amos, p. 494.

[2] *Ibid.* pp. 473-476.

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